Chapter Twenty-Two

GENERAL ENVIRONMENTAL PROCEDURES

BUREAU OF DESIGN AND ENVIRONMENT MANUAL

Chapter Twenty-Two
GENERAL ENVIRONMENTAL PROCEDURES

Table of Contents

Table of Contents
(Continued)

Section **Page**

Table of Contents
(Continued)

Section **Page**

CHAPTER TWENTY-TWO
GENERAL ENVIRONMENTAL PROCEDURES

All projects administered by IDOT must meet applicable Federal and State laws and regulations requiring identification and evaluation of the project's environmental impacts. In aggregate, Part III of the *BDE Manual* describes the applicable environmental procedures for State highway projects. Chapter 22 presents information which has a general application to all IDOT projects. This includes environmental documentation, coordination, and general NEPA compliance procedures. The subsequent chapters in Part III discuss more specific applications of the environmental procedures (e.g., preparation of an EIS).

Appendix B presents acronyms and definitions which apply to environmental procedures. Appendix C presents descriptions of legal authorities for key environmental requirements and descriptions of functional responsibilities of governmental agencies responsible for implementing environmental requirements.

22-1 COORDINATION BETWEEN *BDE MANUAL* AND KEY ENVIRONMENTAL DIRECTIVES AND GUIDANCE

The literature on environmental procedures is too voluminous to reproduce in its entirety. Appendix A for Part III duplicates the following selected environmental documents which have gained national prominence:

- the *CEQ Regulations*,
- 23 CFR 771 *Environmental Impact and Related Procedures,*
- FHWA Technical Advisory T6640.8A *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*,
- CEQ Questions and Answers (“40 Questions”),
- 4(f) Policy Questions and Answers, and
- Programmatic Section 4(f) Evaluations

IDOT has developed criteria and information for its specific application of the environmental procedures which supplements the national documents duplicated in Appendix A. The IDOT-specific information is presented in Part III. Where applicable, a reference is provided to allow the

user of the *BDE Manual* to coordinate the IDOT-specific information with the duplicated documents in Appendix A.

The *CEQ Regulations* are intended to apply to Federal agencies. For Federally funded or regulated IDOT projects, the provisions of the regulations constitute policy guidance for IDOT and should be viewed accordingly.

22-2 ENVIRONMENTAL DOCUMENTATION

References: 40 CFR 1500-1508 *CEQ Regulations for Implementing NEPA*
23 CFR 771 *FHWA Environmental Impact and Related Procedures*
FHWA Technical Advisory T 6640.8A *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*

22-2.01 Introduction

The primary purpose of environmental documentation is to ensure that the policies and goals defined in NEPA are incorporated into the ongoing programs and actions of the Illinois Department of Transportation. Environmental documentation is intended to accomplish more than mere disclosure; it will be used in conjunction with other relevant material, to plan actions, and to make decisions.

22-2.02 Policy

References: 40 CFR 1502.1 *Early application of NEPA*
Question 17. of CEQ Q&A *Consultants and Conflict of Interest*
Question 27a. of CEQ Q&A *Identifying Consultants in List of Preparers*

All environmental documentation shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Preparers of environmental documentation shall focus on the significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Documentation shall be concise, clear, and to the point and shall be supported by evidence that the necessary environmental analyses have been performed. Use of metric values in environmental documents is optional, however, when measurements are included in Record of Decision (ROD) or Finding of No Significant Impact (FONSI) documents prepared for FHWA approval, both U.S. Customary and metric values shall be shown. Where dual units are used, they may be shown in either order provided the selected approach is consistently applied in the documents for a particular project. The preferred method will be to show U.S. Customary values first with metric values in parentheses.

Consultants may be employed to prepare all types of environmental documentation; however, the responsibility for all conclusions and determinations involved in environmental decisions remains with IDOT and FHWA. Environmental work by consultants leading to a project decision shall be carefully reviewed to ensure that complete and objective consideration has been provided to all relevant project impacts and alternatives.

22-2.03 Selection of Environmental Documentation Type

Reference: 23 CFR 771.115 *Classes of Action*

The term "environmental documentation," as used in this *Manual*, refers to the information prepared to analyze the potential environmental impacts of project alternatives. Depending upon the specific circumstances involved, the environmental documentation for a project will be one of the following three types:

- documentation included in Phase I Engineering Report (including Environmental Class of Action Determination Record/Document, where applicable);
- Environmental Assessment (EA) Document; or
- Environmental Impact Statement (EIS) Document.

The selection of the appropriate environmental documentation type for a project is based upon the following two factors:

- the project's potential for significant environmental impacts, and
- the involvement of Federal funding participation or Federal approvals.

Figure 22-2A illustrates the decision-making process for selecting the appropriate environmental documentation format. The determinations in the selection process must be supported by the appropriate environmental studies.

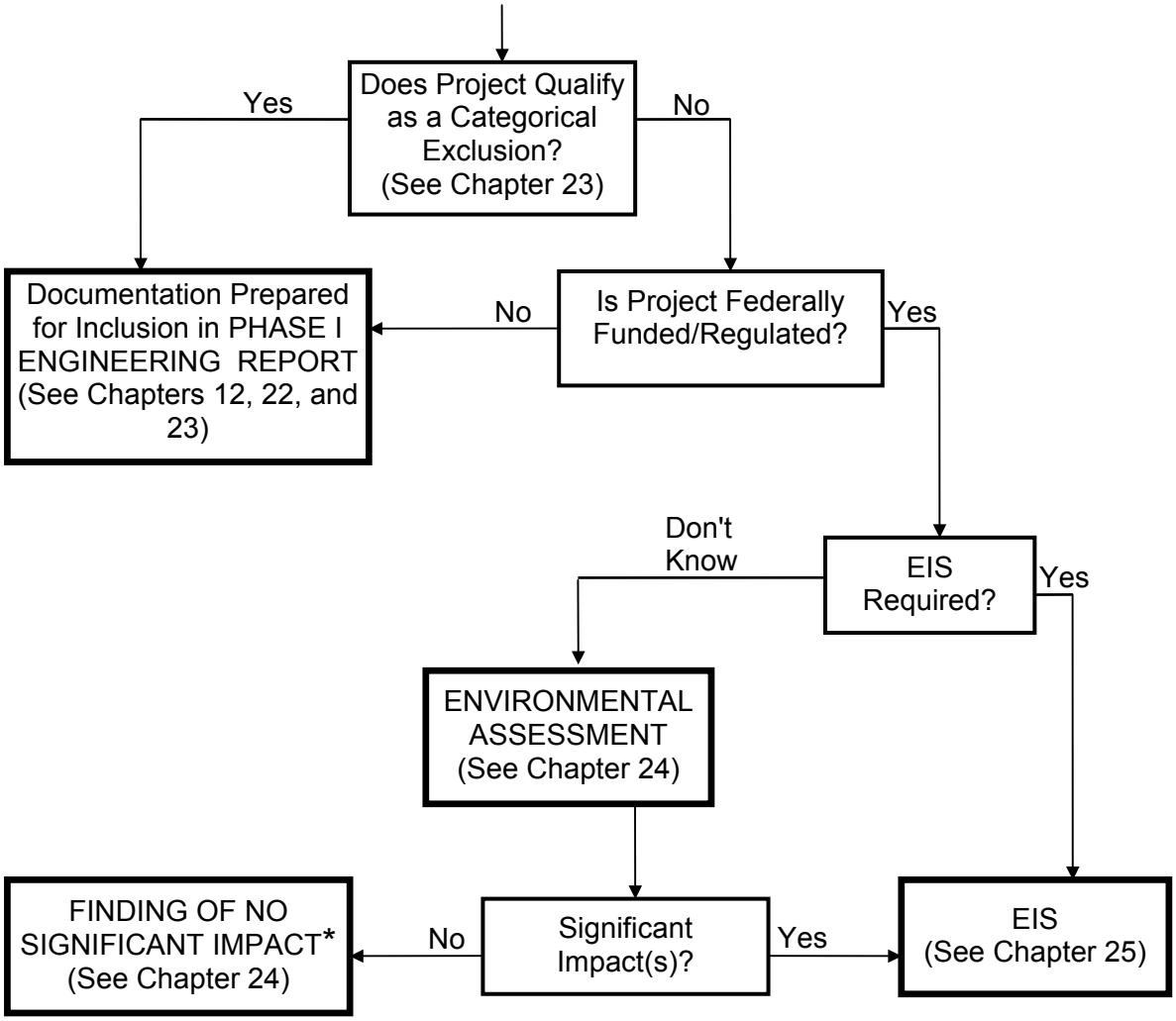
22-2.04 Environmental Documentation for Federally Funded/Regulated Actions

The requirements for preparing specific types of environmental documentation for Federal-aid actions are described in Chapter 23 (Categorical Exclusions), Chapter 24 (Environmental Assessments), and Chapter 25 (Environmental Impact Statements).

22-2.05 Environmental Documentation for Non-Federal Actions

22-2.05(a) "Categorical Exclusion" Projects

For actions that do not involve Federal funding or approvals and which qualify as Categorical Exclusions in accordance with Section 23-1, the environmental documentation for the project shall be a part of the Phase I Engineering Report and shall be prepared in accordance with Section 23-4.



* *A Finding of No Significant Impact (FONSI) is not a separate report but rather a finding from the Environmental Assessment.*

SELECTION OF ENVIRONMENTAL DOCUMENTATION TYPE
Figure 22-2A

22-2.05(b) Non "Categorical Exclusion" Projects

For projects that do not involve Federal funding or approvals and which do not qualify as Categorical Exclusions in accordance with Section 23-1, the environmental documentation shall be a part of the Phase I Engineering Report and shall be prepared in accordance with the following guidance:

1. Coordination. Coordination with affected agencies and other interested parties should be diligently pursued during the preparation of the environmental documentation to identify and address all relevant environmental issues. Coordination should be pursued as necessary to make sound judgments among project alternatives. At a minimum, the following agencies should be engaged in coordination activities as required or appropriate:

    - Illinois Department of Natural Resources,
    - Illinois Department of Agriculture,
    - State Historic Preservation Officer (Illinois Historic Preservation Agency),
    - governmental land management agencies whose properties are affected, and
    - other governmental agencies which have jurisdiction by law on a project issue (e.g., drainage district, US Coast Guard for construction over navigable waters).

2. Format and Content. For non Federal-aid projects that do not qualify as Categorical Exclusions, the range of environmental issues to be addressed will be generally comparable to those discussed in an Environmental Assessment or Environmental Impact Statement for a Federal-aid project, commensurate with the particular action and impacts involved. The environmental documentation should cover the following subject areas:

    - Affected Environment,
    - Environmental Consequences,
    - Coordination,
    - Measures to Minimize Harm and Commitments (as applicable), and
    - Special Reports (as applicable).

    The Phase I Engineering Report also will include information regarding project Purpose and Need, Alternatives, etc. See Chapter 12 for further information regarding the format and content of Phase I Engineering Reports. The discussion of alternatives should address consideration of options for avoiding and minimizing impacts to sensitive environmental resources as required by applicable laws and regulations (e.g., for wetlands). The environmental documentation must contain sufficient discussion of

environmental issues to demonstrate thorough analysis and evaluation of all potential environmental effects, especially significant effects, of the proposed action as follows:

a. Affected Environment. The Affected Environment discussion should provide a concise, general description (e.g., predominant land uses) of the area that may be likely to experience some change as a result of the proposed undertaking. In determining the extent of this area, consideration should be given to the potential effects of all alternatives under study. In addition, any sensitive resources (e.g., wetlands, cultural resources) in this area should be depicted on a map relative to the project alternatives. Numbered symbols, keyed to an explanatory table, should be used to denote these resources. A clear photograph(s) also should be provided for the sensitive resources when it will enhance the description of the resource (e.g., for historic buildings).

b. Environmental Consequences. The Environmental Consequences discussion should briefly summarize the results of analyses in each of the following areas:

- Social/Economic,
- Agricultural,
- Cultural,
- Air Quality,
- Noise,
- Energy,
- Natural Resources,
- Water Quality/Resources,
- Flood Plains,
- Wetlands,
- Special Waste,
- Special Lands,
- Permits/Certifications, and
- Other Issues.

Each subsection should be addressed and all potential adverse environmental impacts should be identified and discussed. Refer to Section 24-3.07 for guidance on the type of information that may be appropriate for discussion, commensurate with the scope of the project and level of involvement with the subject areas listed. If there are no potential adverse impacts for a particular issue, the basis for that conclusion should be stated.

c. Coordination. The Coordination discussion should identify the contacts, meetings, correspondence, etc., with agencies, organizations, or persons with special expertise or jurisdiction by law for any of the environmental issues, and the discussion should briefly summarize the recommendations or comments

obtained from such coordination. Copies of letters, memoranda, meeting minutes, etc., may be included to document the coordination.

d. Measures to Minimize Harm/Commitments. The alternatives discussion in the Phase I Engineering Report should reflect options for avoiding and minimizing impacts to sensitive environmental resources. In addition, the discussion in this section should briefly summarize specific mitigation measures which have been provided for the alternative selected and should identify any specific environmental commitments that have been made and to whom they were made.

e. Special Reports. The Special Reports discussion should briefly summarize the circumstances and findings of each special report prepared for the project and the status of the report. Chapter 26 discusses special reports in more detail. Typically, the discussion of each special report need not be more than one paragraph in length. A copy of each special report prepared for the project should be appended to the Phase I Engineering Report.

22-3 GENERAL NEPA REQUIREMENTS

This section discusses general requirements which IDOT projects must follow to satisfy NEPA, if the project is Federally funded or regulated.

22-3.01 NEPA Processing Options

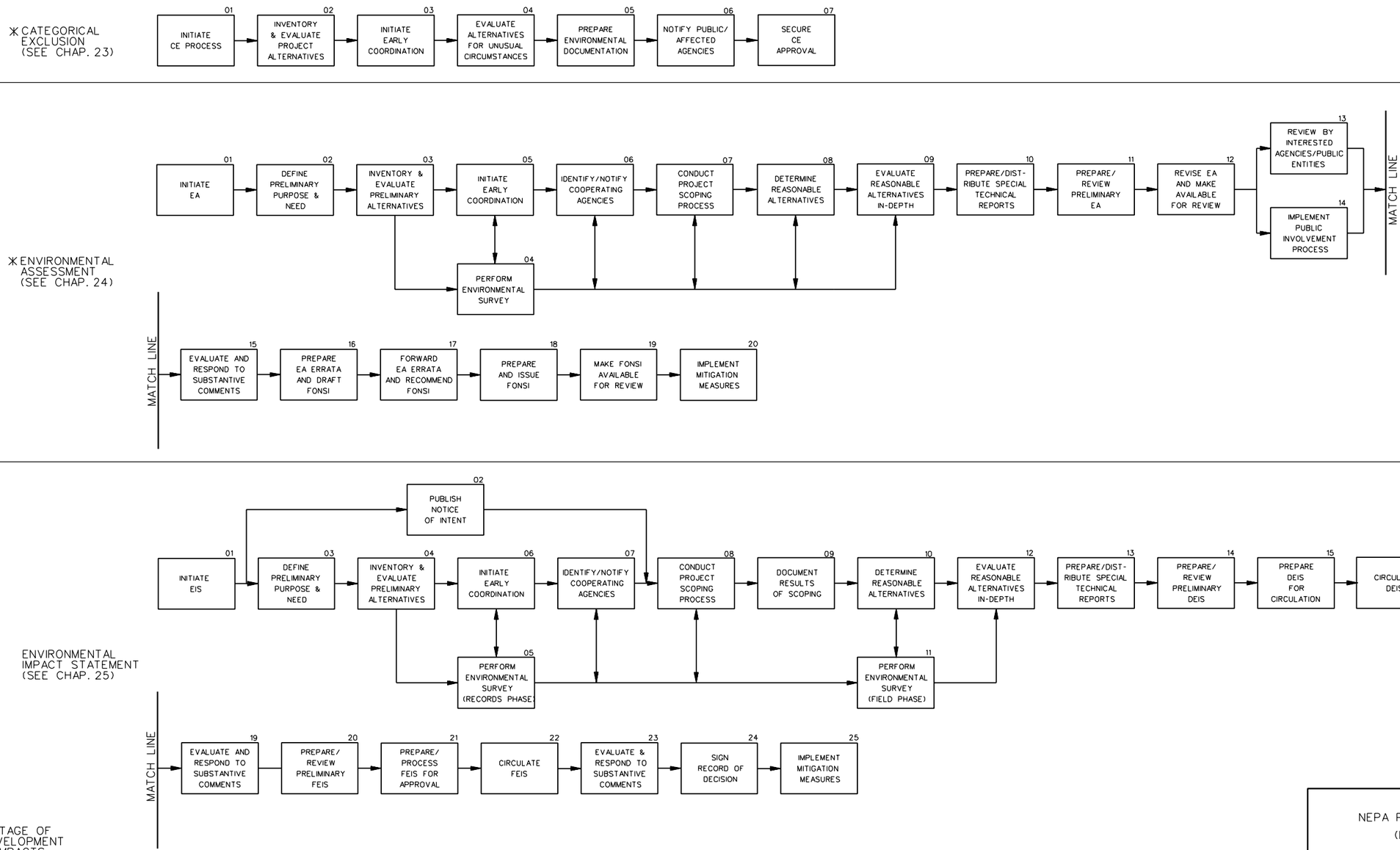
Reference: 23 CFR 771.115 *Classes of Actions*

To satisfy NEPA requirements, all IDOT Federally funded/regulated projects will be processed with one of the following options:

1. Categorical Exclusion (CE). Chapter 23 presents procedures for CE projects.
2. Environmental Assessment (EA). Chapter 24 presents procedures for EA projects.
3. Environmental Impact Statement (EIS). Chapter 25 presents procedures for EIS projects.

Figure 22-3A presents a network for each of the three NEPA processing options. Chapters 23, 24, and 25 present a brief description of each activity within each network.

AUGUST 2001



NEPA PROCESSING ALTERNATIVES
(FHWA LEAD AGENCY)
FIGURE 22-3A

22-3.02 Purpose/Policy

References: 40 CFR 1500.1 *Purpose of NEPA*
40 CFR 1500.2 *NEPA Policy*

40 CFR 1500.1 defines the purpose of the National Environmental Policy Act of 1969. The following excerpts highlight some of its key provisions:

- *NEPA establishes policy, sets goals, and provides means for carrying out the policy.*
- *NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.*
- *NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.*
- *The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.*

40 CFR 1500.2 sets forth the policy for compliance with NEPA. The policy provides that Federal agencies shall to the fullest extent possible:

- *Implement procedures to make the NEPA process more useful to decision makers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives.*
- *Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.*
- *Encourage and facilitate public involvement in decisions which affect the quality of the human environment.*
- *Use all practicable means ... to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.*

22-3.03 Application

References: 40 CFR 1500.1(a) *Application of NEPA*
23 CFR 771.109(a) *Application of 23 CFR 771*

The NEPA procedures apply to all Federally regulated and Federally funded projects; e.g., a State-only funded project which requires an individual Section 404 permit also might require an Environmental Impact Statement to comply with NEPA for the Federal action (granting the permit). In this example, the Federal Highway Administration may not be involved in the project; therefore, the flow of information and activities will be modified to suit the Federal agency involved (i.e., the US Army Corps of Engineers).

Section 22-7 presents the environmental process for non-Federal projects.

22-3.04 NEPA and the Planning Process

References: 40 CFR 1501 *Integration of NEPA with Planning*
Question 9. of CEQ Q&A *Integration of NEPA with Planning*
Question 21. of CEQ Q&A *Use of Other Planning Documents*
Chapter 2 *Project Development Network (Phase I Work)*
Part II *Project Development*

40 CFR 1501.2 states, in part, that:

> *Agencies shall integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts*.

The above references to the *BDE Manual* discuss IDOT procedures for integrating the NEPA process with other Department planning activities.

22-3.05 Lead/Cooperating Agencies

References: 40 CFR 1501.5 *Responsibilities of, and Procedures for, Determining Lead Agencies*
40 CFR 1501.6 *Cooperating Agency's Responsibilities*
40 CFR 1508.5 *Definition of Cooperating Agency*
40 CFR 1508.16 *Definition of Lead Agency*
23 CFR 771.109(c) *Role of Federal Funding Applicant; Local Public Agencies as Cooperating Agencies*
23 CFR 771.111(d) *Requesting Involvement of Cooperating Agencies*

Question 14. of CEQ Q&A *Coordination Between Lead and Cooperating Agencies*
Question 22. of CEQ Q&A *State and Federal Agencies as Joint Lead Agencies*

FHWA will be the Federal lead agency for most IDOT projects subject to the NEPA process, although FHWA and IDOT typically act as joint lead agencies. See 23 CFR 771.109(c)(2). The cited references from 40 CFR 1500 discuss the responsibilities of the lead agency and

cooperating agencies. The environmental networks in Chapters 24 and 25 illustrate when, in the NEPA process, the FHWA and district will identify and notify cooperating agencies of the proposed action.

22-3.06 Proposed Action

References: 40 CFR 1502.4(a) *Scope of Proposal(s) Covered in Environmental Document*
40 CFR 1508.23 *Definition of Proposal*
23 CFR 771.107(b) *Definition of Action*
23 CFR 771.111(f) *Logical Termini, Independent Utility, Effect on Other Projects*
Section 22-6.04 *Logical Termini*

IDOT must properly define the proposed action to ensure a meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated. This should occur as part of the planning process for the development of the Department's annual, multi-year, and long-range programs of projects. For reference, 23 CFR 771.107(b) defines "action" as:

> *A highway or transit project proposed for FHWA or UMTA funding. It also includes activities such as joint and multiple-use permits, changes in access control, etc., which may or may not involve a commitment of Federal funds.*

Section 22-6.04 discusses the determination of logical project termini for the proposed action.

The proposed action may include completed and/or incomplete portions of a highway section and one or more future highway projects. Avoid piecemealing a proposed improvement in separate environmental reports. The proposed action should include the total length of highway between logical termini, even if only a short length is proposed for construction within the multi-year and long-range program. The environmental report should clearly identify the length of the proposed action and furnish any available information on long-range possibilities of future improvements for the proposed action.

22-3.07 Environmental Studies

References: 40 CFR Part 1502.24 *Methodology and Scientific Accuracy*
23 CFR 771.107(a) *Definition of Environmental Studies*
Chapter 26 *Special Environmental Analyses*
Chapter 27 *Environmental Surveys*

Environmental studies provide the technical data and information necessary to identify and evaluate the nature and extent of environmental impacts of a proposed action (and associated mitigation measures that may be appropriate). Chapters 26 and 27 and the IDOT environmental technical manuals (see Section 22-8) discuss the procedural and technical

aspects of the environmental studies. These include, for example, air quality analyses, water quality analyses, Section 4(f), noise analyses, cultural impact analyses, wetland reports, and biological assessments. 40 CFR 1502.24 identifies the basic objective of the environmental studies:

> *Agencies shall insure the professional integrity, including scientific integrity, of the discussions...*

The environmental studies typically will be conducted in conjunction with actions for which an EIS will be prepared. They also will be performed for actions processed as an EA or a Categorical Exclusion, if necessary, to address specific substantive issues. To maximize benefits, the district should initiate these studies as early as practical and continue the studies throughout project development. The evolution of the environmental studies should be commensurate with the decisions which are being made during project development. The environmental studies will be used:

- to determine the type of environmental processing (i.e., EIS, EA, CE) to be prepared for a specific project;
- as the basis for scoping decisions;
- to determine the significance of project impacts; and
- as the basis for discussions in reports.

The discussions of the study results should indicate whether resources are present that could be affected, how those resources would be affected, what attempts were made to avoid or minimize the impact, and what mitigation measures are proposed to address the unavoidable impacts. Generic descriptions of impacts that "may" occur as a result of highway projects (e.g., highway projects may result in the conversion of farmland) should be avoided in favor of descriptions of the specific effects anticipated to result from the project alternatives under study.

22-3.08 Significance of Environmental Impacts

Reference: 40 CFR 1508.27 *Definition of "Significantly" (Affecting) as Used in NEPA*

In valuating the significance of impacts, the district shall consider the nature of the changes which may be caused by the action and the magnitude and importance of those changes. It is important to contact agencies which have special expertise or jurisdiction by law and individuals and organizations directly affected by the proposal to fully assess project impacts. Documentation of such contacts and those concerning the resolution of identified problems shall be included in the appropriate environmental document.

22-3.09 Evaluation of Alternatives and Selection of Preferred Alternative

References: 40 CFR 1502.14 *Alternatives Including the Proposed Action*
23 CFR 771.125(a)(1) *Identification of Preferred Alternative in FEIS*
Paragraph II.C of FHWA Technical Advisory T6640.8A *Alternatives Discussion in EA's*
Paragraph V.E of FHWA Technical Advisory T6640.8A *Alternatives Discussion in EIS's*
Questions 1. through 3. of CEQ Q&A *Evaluation of Alternatives*
Questions 4. through 6. of CEQ Q&A *Identification of Preferred Alternative and Environmentally Preferable Alternative*

When a proposed project may adversely affect resources, such as wetlands, flood plains, Section 4(f) properties, or threatened and endangered species, districts must ensure that the evaluation of alternatives appropriately addresses avoidance, minimization, and mitigation options as required by regulations applicable to these resources. In addition, if the preferred alternative will affect such resources, districts must ensure that adequate justification is provided to explain why avoidance alternatives were not selected, in accordance with the regulations applicable to the resource(s) involved.

In selecting the preferred alternative for implementation, all of the social, economic, environmental, and engineering factors involved must be carefully weighed. Input from environmental agencies with relevant expertise and from the public should be sought at each step when narrowing the choices among alternatives to ensure, to the maximum extent practical, that the decision-making process fully and fairly considers all relevant information.

All alternatives considered in the selection process, the alternative(s) considered to be environmentally preferable, and the preferred alternative shall be identified in the decision statement for the action.

22-3.10 Environmentally Unsatisfactory Actions (Predecision Referrals to CEQ)

References: 40 CFR 1504 *Predecision Referrals to CEQ*
Question 33. of CEQ Q&A *Referral of Interagency Disagreement*

The Council on Environmental Quality has established procedures for a Federal agency to object to another Federal agency's actions which may cause unsatisfactory environmental effects. Such disputes will be addressed by FHWA for applicable IDOT activities; however, those involved in the development of IDOT actions should be familiar with the procedures for referral of objections to the Council.

22-3.11 Public Access to Preliminary Environmental Documents

Federal environmental directives, including NEPA and 23 CFR 771, encourage an open process which fully involves the public. In addition, the Federal Freedom of Information Act (FOIA) directs that information be made available to the public to the greatest extent practical. However, although public involvement is strongly encouraged, there is a need to ensure that no segment of the public obtains an unfair advantage through premature access to project information.

This principle applies to preliminary environmental documents; e.g., a preliminary FEIS may be distributed to governmental agencies for review and comment, but it is not ready for widespread distribution. The general public should not have access to these preliminary environmental documents. Such access not only provides individuals or groups involved with an unfair advantage over the remaining public, it also may promote attempts by such entities to influence decision making at inappropriate times in project development.

The FOIA and the implementing regulation of the U.S. Department of Transportation (49 CFR 7.71) provide an exemption to address these cases. These directives provide that, where material is intended for public release at a specified time in the future and premature disclosure would be detrimental to the orderly processing of a Federal project, this material can be withheld during the development of the environmental document. Such material must be released after the environmental action is taken.

Whenever IDOT provides a preliminary environmental document (EIS or EA) to a commenting/cooperating agency, the letter of transmittal shall include a statement such as the following:

> *The Federal Highway Administration has determined that this preliminary document is an intergovernmental exchange that may be withheld under the Freedom of Information Act. Premature release of this material to any segment of the public could give some sectors an unfair advantage and would have a detrimental effect on intergovernmental coordination and the success of the cooperating agency concept. For these reasons, we respectfully request that the public not be given access to this preliminary document.*

This procedure is applicable to all State highway projects involving Federal funding, authorization, or approvals for which an Environmental Impact Statement or Environmental Assessment is being prepared.

22-3.12 Time Limits

References: 40 CFR 1501.8 *Time Limits*
Question 35. of CEQ Q&A *Time Required for NEPA Process*
23 CFR 771.119(d), (e), and (h) *Time Limits in EA/FONSI Processing*

23 CFR 771.123(h) and (i) *Time Limits in DEIS Processing*
23 CFR 771.127(a) *Time Limits for Record of Decision*

The Council on Environmental Quality has provided for establishing time limits on various steps in the NEPA process. These time limit provisions are not mandatory and, because FHWA has delegated responsibility for preparation of environmental documents to IDOT, such limits normally will not be imposed. FHWA and IDOT may establish time limits for agencies to review environmental documents.

22-3.13 Limitations on Actions

References: 40 CFR 1506.1 *Limitations on Actions During NEPA Process*
23 CFR 771.113 *Timing of Administration Activities*
Question 10. of CEQ Q&A *Limitations on Actions*

The cited references discuss the limitations on actions in the NEPA process.

22-3.14 Other Agency Adoption

References: 40 CFR 1506.3 *Adoption of EIS*
Question 30. of CEQ Q&A *Adoption of EIS by Cooperating Agency*

As discussed in the cited references, agencies other than FHWA and IDOT may adopt environmental documents prepared by IDOT.

22-3.15 Ensuring Validity of Environmental and Design Documents

References: 23 CFR 771.129 *Re-evaluations of Environmental Documents*
Section XI of FHWA Technical Advisory T6640.8A *Re-evaluations*
Question 32. of CEQ Q&A *EIS Validity*

IDOT districts and BDE have a primary responsibility to ensure that singular or cumulative changes in projects under development or the affected environment do not impair the validity of environmental and design documents and mitigation commitments. This responsibility is operative at all times, irrespective of the stage of environmental and engineering documents, through construction and maintenance. If circumstances arise which may affect the validity of project documents and commitments, the BDE should be contacted for specific guidance.

22-4 CONCURRENT NEPA/404 PROCESSES

22-4.01 Background

A Statewide Implementation Agreement (SIA) (see Section 22-4.04) is in effect that provides for concurrent National Environmental Policy Act (NEPA) and Section 404 processes on Federal-aid highway projects in Illinois. The purpose of the SIA is to ensure appropriate consideration of the concerns of the Corps of Engineers (Corps), the U.S. Environmental Protection Agency (USEPA), and the U.S. Fish and Wildlife Service (USFWS), especially regarding compliance with the Section 404(b)(1) Guidelines, as early as practical in highway project development. The intent is also to involve these agencies, and the U.S. Coast Guard, the Illinois Environmental Protection Agency, and the Illinois Department of Natural Resources (IDNR), at key decision points early in project development to minimize the potential for unforeseen issues during the Section 404 permit review.

22-4.02 Applicability

All State highway projects needing Federal Highway Administration (FHWA) action under NEPA and a standard individual permit from the Corps under Section 404 of the Clean Water Act are eligible for processing under the NEPA/404 SIA. Decisions on whether to process specific eligible projects under the concurrent NEPA/404 procedures will be made in accordance with Part III of the SIA. The procedures that follow shall apply to all projects processed under the concurrent NEPA/404 process described in the SIA.

22-4.03 Procedures

22-4.03(a) General

As reflected in the executed SIA, Section 404 permit issues (i.e., relating to possible discharges of dredge and fill material into waters of the United States, including wetlands) should be considered throughout the highway planning and development process. Careful consideration should be given to comments provided by the Corps and the natural resource agencies relative to Section 404 issues, whether received during the systems planning phase, the scoping and NEPA compliance activities for individual projects, or the design-phase Section 404 permit application process.

The normal scoping and environmental coordination with the Corps, USEPA, and USFWS will continue for applicable projects, as reflected in the executed SIA. In addition, concurrence will be specifically requested from these agencies regarding the Purpose and Need, Alternatives To Be Carried Forward, and the Selected Alternative for applicable projects as described in the executed SIA and the following subsections of these procedures.

22-4.03(b) Concurrence Point Meetings

The SIA provides that the concurrence reviews for Purpose and Need, Alternatives To Be Carried Forward, and the Selected Alternative normally will be addressed at semi-annual joint meetings of the SIA signatories and other agencies such as the IDNR and the Illinois Environmental Protection Agency, as appropriate. The intent is to promote efficient use of staff resources and time by consolidating reviews of a number of projects at these periodic meetings. The number and location of projects to be addressed will be key considerations in determining where meetings will occur at each semi-annual interval.

The BDE will develop schedules and agendas for these meetings in consultation with the IDOT District offices. Approximately every six months, BDE will contact each District to request information concerning projects which have been developed sufficiently to enable preparation of the information necessary to support a request for concurrence on one or more of the three points specified. These contacts by BDE will be accomplished two to three months prior to the tentative range of dates being considered for the joint meeting(s). This should allow the Districts sufficient time to prepare information for the regulatory and natural resource agencies regarding the projects and concurrence points to be addressed. It also should afford time for review of the information by BDE and FHWA and for incorporation of any necessary changes. In addition, it will accommodate the 30-day period that the regulatory and natural resource agencies will have to review the information in advance of the meetings, as provided in the SIA.

After receiving information from the Districts on the number and locations of projects for discussion, BDE will confer with the Districts, the regulatory and natural resource agencies, and the FHWA Division Office on arrangements for the meetings. BDE will transmit to all affected Districts and to other involved Federal and State agency offices a final meeting schedule, indicating the date(s), time(s), and location(s) of the meetings plus a list of projects to be discussed. BDE also will disseminate the written project concurrence point information to the regulatory and natural resource agencies after it has been reviewed and revised as necessary.

At the concurrence point meetings, each District will be responsible for presenting its projects to the outside agencies. The presentation should be succinct and should summarize the key points from the information package for the project. Each District also will be responsible for keeping minutes of the proceedings at the meeting pertaining to its projects (e.g., key issues raised, responses to issues, and action on concurrence point requests). Written information and exhibits prepared to describe the projects presented at the meeting should be attached to and incorporated into the minutes by reference to eliminate the need for repeating the information. Meeting minutes should be concise and should cover only what occurred at the meeting. They should not include actions, discussions, or decisions that were not covered in the meeting. Where issues are raised that cannot be resolved at the concurrence point meeting (e.g., because additional information is needed), the minutes should note the issue(s) and indicate how the matter will be addressed. Either the minutes of a subsequent meeting or an exchange of correspondence should document the follow-up on the issue(s). BDE will consolidate and distribute the various project-specific minutes as a package for each concurrence point meeting.

If a regulatory or natural resource agency does not concur regarding one or more of the concurrence points, the District and BDE will jointly determine the appropriate course of action to respond to the dispute after discussion as necessary with the regulatory or natural resource agency involved and FHWA.

22-4.03(c) Concurrence Point Information

The advance information package for each project should include general project identification information [route designation(s), location/termini, city or county(ies)] and the information for the specific concurrence point(s) to be addressed. The concurrence point information should present essentially the same content as will be in the section of the project environmental documentation corresponding to the concurrence point(s) (i.e., the "Purpose and Need" concurrence point information should be similar to the information which will be in the "Purpose and Need" section of the environmental document). To the fullest extent practical, the information should address the items necessary for determining compliance with the Section 404(b)(1) "Guidelines for Specification of Disposal Sites For Dredged or Fill Material" (refer to Section 22-4.05). If Districts wish to obtain preliminary comments from the regulatory and natural resource agencies, BDE, and FHWA regarding information being developed to support concurrence point requests, it is recommended this be accomplished through the District's regularly scheduled coordination meetings, where possible. As a project proceeds through the three concurrence points, the information package should be cumulative (i.e., the information prepared for the first point should be a part of the package for the second, and the information for the first two should be in the submittal for the third).

22-4.03(d) Special Concurrence Point Meetings

In most instances, concurrence points should be addressed at the semi-annual meetings. If a District must arrange a special concurrence point meeting for a project or projects that cannot accommodate the schedule for the semi-annual meetings, the District should contact BDE. BDE will act as liaison with the other affected agencies for making meeting arrangements. As with the other joint concurrence point meetings, the District will be responsible for preparing the necessary concurrence point information and making it available in advance of the anticipated meeting date for necessary reviews by BDE, FHWA, and the regulatory and natural resource agencies, as described above.

22-4.04 Statewide Implementation Agreement

This subsection reproduces the content of the July 1, 2000 executed Statewide Implementation Agreement (SIA) that governs the concurrent NEPA/404 process for highway projects in Illinois. The text of the SIA begins on the following page.

STATEWIDE IMPLEMENTATION AGREEMENT

NATIONAL ENVIRONMENTAL POLICY ACT
AND
CLEAN WATER ACT SECTION 404

CONCURRENT NEPA/404 PROCESSES
FOR
TRANSPORTATION PROJECTS
IN
ILLINOIS

I. Background

In a May 1, 1992 agreement, the U.S. Department of Transportation, the Department of the Army, and the U.S. Environmental Protection Agency (EPA) adopted the document "Applying the Section 404 Permit Process to Federal-aid Highway Projects." This document endorsed methods to integrate compliance with the National Environmental Policy Act (NEPA) and the requirements of Section 404 of the Clean Water Act.

In a March, 1994 agreement, the Federal Highway Administration (Region 5); the U.S. Army Corps of Engineers, Ohio River Division, North Central Division and Lower Mississippi Valley Division; the U.S. Environmental Protection Agency (Region 5) and the U.S. Fish and Wildlife Service (Region 3) adopted the Implementation Guidance document entitled "Concurrent NEPA/404 Processes for Transportation Projects." The Federal Agencies agreed to implement, to the fullest extent practicable and as funding and staffing levels allow, the solutions outlined in the Implementation Guidance and its accompanying NEPA/404 Process Flow Diagram in cooperation with and to the extent they are implemented by the State transportation agencies. The implementation guidance was intended to assist States in developing their own specific procedures for merging the NEPA and Section 404 compliance requirements.

II. Purpose

This Statewide Implementation Agreement (SIA) is based on the Region 5 guidance and implements the concurrent NEPA/404 process in relation to highway projects in Illinois.

This SIA commits its signatories to the following:

- Potential impacts to waters of the United States, including wetlands, in Illinois shall be considered at the earliest practical time in the planning phase of project development.

- Adverse impacts to such waters and wetlands shall be avoided to the extent practicable and unavoidable adverse impacts shall be minimized and mitigated to the extent reasonable and practicable.

- Interagency cooperation and consultation shall be diligently pursued throughout the integrated NEPA/404 process to ensure that the concerns of the regulatory and resource agencies are given timely and appropriate consideration and that those agencies are involved at key decision points in project development.

This SIA is intended to:

- Improve cooperation and efficiency of governmental operations at all levels, thereby better serving the public;

- Expedite construction of necessary transportation projects, with benefits to mobility and the economy at large;

- Enable more transportation projects to proceed on budget and on schedule; and

- Protect and enhance the waters of the United States and wetlands in Illinois which will benefit the State's aquatic ecosystems and the public interest.

Regulatory and resource agency participation in this process does not imply endorsement of a transportation plan or project. ***Nothing is this SIA is intended to diminish, modify, or otherwise affect the statutory or regulatory authorities of the agencies involved.***

III. Applicability

All highway projects in Illinois needing Federal Highway Administration (FHWA) action under the National Environmental Policy Act (NEPA) and a U.S. Army Corps of Engineers (Corps) standard individual permit under Section 404 of the Clean Water Act are eligible for processing under this statewide implementation agreement (SIA). If the 404/NEPA merger process is initiated and because of subsequent and more complete information the project is determined to be covered by a nationwide permit, the merger process will cease. Conversely, if at any time it is determined that an ongoing project will no longer be eligible for a nationwide permit and will now require an individual Section 404 permit, the merger process may be initiated.

The decision to develop a project using the NEPA/404 merger process will be made jointly by IDOT and the Ill. Division of FHWA. Projects eligible for the process will be developed using the process unless:

- After consultation with the signatory agencies, it is determined that the project is not of sufficient complexity to warrant additional coordination and handling.

- After consultation with the signatory agencies, it is determined that the discovery of need for individual permit is too late in project development to revisit purpose and need or alternative points.

- After consultation with the signatory agencies the IDOT Secretary and/or FHWA Division Administrator determine the project is not suitable for the NEPA/404 process outlined in this agreement.

IV. Implementing Procedures

The following implementing procedures for this SIA are based on the "Guidance on Implementation Issues" section of the March 1994 Interagency Task Group report on the Concurrent NEPA/404 Processes.

A. Concurrence/Concurrence Points

The following definitions for "concurrence" and "concurrence points" are adopted for the purposes of this SIA.

Concurrence - Confirmation by the agency that information to date is adequate to agree that the project can be advanced to the next stage of project development. Concurrence does not imply that the project has been approved by an agency nor that it has released its obligation to determine whether the fully developed project meets statutory review criteria. If substantial new information regarding a concurrence point is brought forward during project development, the adequacy of the prior concurrence statement may be reconsidered. The further refinement of the project, without a substantive change, will not normally be a reason to revisit the concurrence point. Rather, it should help decision makers select the least environmentally damaging reasonable and practicable alternative.

Concurrence Points - Points within the NEPA process where the transportation agency requests agency concurrence.

The FHWA and the Illinois Department of Transportation (IDOT) shall seek concurrence from the other SIA signatories regarding **Purpose and Need, Alternatives to be Carried Forward**, and **Selected Alternative**. The intent of the concurrence points in the process is to preclude the routine revisiting of decisions that have been agreed to earlier in the process and encourage early substantive participation by the agencies. The timing of the concurrence points in the environmental process will be reflected in the accompanying Process Flow Diagram. The Process Flow Diagram has a degree of

flexibility and range built into it within which concurrence can be reached on each of the concurrence points. The method of accomplishing the concurrence reviews will be through joint meetings of the SIA signatories and other agencies as appropriate. The FHWA and IDOT will schedule meetings approximately every six months at which projects ready for one of the concurrence points will be presented for concurrence. IDOT representatives from the Bureau of Design and Environment and the Bureau of Local Roads and Streets will develop the agendas for the meetings. The agendas will include the time and place of the meeting, descriptions of the projects to be discussed, appropriate background information to explain each project, and an indication of the concurrence point for each. IDOT will provide the agenda to the SIA signatories, and other agencies as appropriate, at least 30 days in advance of the meeting to allow the regulatory and resource agencies sufficient time for review and preparation of their comments.

These semi-annual meetings will promote efficient use of time and personnel resources by bringing together all of the appropriate parties to focus on multiple projects and facilitate the exchange of information necessary to obtain concurrence at the designated decision points. ***The minutes of the meeting, as revised based on review by the regulatory and resource agencies, will serve as documentation of concurrence.*** For major or complex projects or projects on expedited schedules, separate meetings may be scheduled in addition to the semi-annual meetings to address the concurrence points. IDOT will provide agendas and notification for such meetings as described above for the semi-annual meetings and will document concurrence in the meeting minutes.

B. Resolving Disputes at Concurrence Points

It is anticipated that concurrence at each of the three concurrence points will be achieved in most cases. In more controversial projects, however, the probability of non-concurrence may increase. Therefore, a process is needed to resolve disputes at any one of the concurrence points when one or more agency(ies) does not concur.

Within 30 days of a finding of non-concurrence at one of the designated points, the FHWA and IDOT will meet with the agency(ies) involved to determine the direction for resolution of the dispute. The direction for resolution will be agreed upon through consensus of the agencies involved.

The NEPA/404 process may continue whether or not attempts to reach concurrence are successful. However, if the dispute remains unresolved, any agency in non-concurrence retains the option to elevate its concerns through existing, formalized dispute elevation procedures at the appropriate point in the NEPA or Section 404 permit process. This will encourage all participating agencies to very carefully consider and accommodate the concerns raised by the resource agencies prior to finalization of the NEPA process and proposed issuance of the permit to avoid processing delays.

NOTE: ORIGINAL SECTION "C" DELETED

C. Data Collection and Analysis

The IDOT will ensure that data collection activities will provide the specific items of information the Corps requires for determining compliance with the Section 404(b)(1) guidelines. Data collection will take place early in the coordination process in order that information will be available for discussion at the semi-annual concurrence point meetings. The resource and regulatory agencies will be responsible for reviewing the data and evaluations provided by IDOT and providing supplemental information as appropriate.

D. Systems Planning Process

Transportation planning is accomplished under two separate processes. One is for urbanized areas over 50,000 population, where the plans are developed by the Metropolitan Planning Organization (MPO) designated for the area. The other is for the remainder of the State where the plans are developed by the IDOT. The planning processes are to include the development of transportation plans addressing at least a twenty-year planning horizon and include both long and short range strategies/actions and provide for the development of transportation facilities which will function as an intermodal transportation system.

In the planning processes, the MPOs are to develop a transportation improvement program (TIP) for the metropolitan planning areas and the IDOT is to develop a statewide transportation improvement program (STIP) for all areas of the State. The TIP and STIP are to cover a period of not less than 3 years and include a separate priority listing of projects to be carried out in each of those 3 years. In cooperation with the MPOs, the IDOT will incorporate the metropolitan area TIPs into the STIP creating a single statewide transportation improvement program for all areas of the State.

The transportation planning process will generally establish the purpose and need for projects. The TIPs and the STIP will identify the mode of transportation to be funded, i.e., highways or transit, including bicycle and pedestrian needs.

The process for development of the TIPs and STIP allow for input by the public and the resource and regulatory agencies and also for their review of the TIPs and STIP. The resource and regulatory agencies should provide their input into the process and review the TIPs and STIP as appropriate. Agency participation, along with the list of projects included in the STIP for implementation, will assist the agencies in identifying and prioritizing future workloads.

E. Scoping

Scoping is a process that considers a range and extent of action(s), alternatives and impacts, including Section 404 permit issues, to be considered in the environmental review process. It is not a single event or a meeting but continues throughout the development of an environmental document and includes public involvement, usually a series of meetings, telephone conversations, or written comments from different individuals and groups. No matter how thorough the scoping process, it may become necessary to modify the scope of an environmental document if new issues surface during project development.

Scoping has specific and fairly limited objectives. They are:

1. to identify the affected public and agency concerns;

2. to facilitate an efficient environmental documentation process through assembling the cooperating agencies, identifying all the related permits and reviews that must be scheduled concurrently;

3. to define the issues and alternatives that will be examined in detail in the environmental document while simultaneously devoting less attention and time to issues which cause no concern; and

4. to save time in the overall process by helping to ensure that draft documents adequately address relevant issues, reducing the possibility that new comments will cause a statement to be rewritten or supplemented.

Scoping begins when the IDOT identifies the affected parties and presents a proposal with an initial list of environmental issues and alternatives. This basic information is necessary in order to explain to the public and the agencies what their involvement is expected to be. The first stage is to gather preliminary information and compose a clear picture of the action proposed.

A good scoping process will lay a firm foundation for the rest of the decision making process. If the environmental documentation can be relied upon to include all the necessary information for formulating policies and making rational choices, the agency will be better able to make a sound and prompt decision. In addition, if it is clear that all reasonable alternatives are being seriously considered, the public and agencies will usually be more satisfied with the alternative selection process.

F. Purpose and Need (Concurrence Point)

To facilitate obtaining concurrence from the regulatory and resource agencies at the first concurrence point, FHWA and the IDOT will ensure that the discussion of purpose and need for the proposed project responds to the following objectives:

1. To define why the project must be implemented;

2. To establish the logical termini of the proposal and intermediate control points;

3. To establish why the project has independent utility and independent significance; and

4. To be as comprehensive, specific, and concise as possible.

The transportation planning process, which includes statewide, regional, and local planning, serves as the primary source of information for establishing the basic purpose and need from an overall transportation system viewpoint. The planning and project development processes, including scoping and data collection and evaluation, serve as the foundation for establishing purpose and need. Once the purpose and need are established, a range of reasonable and practicable alternatives for a project can be developed. A clear, well-defined purpose and need statement is used by the decision maker and the public to balance the project alternatives against associated impacts.

Concurrence for NEPA purposes by each agency on ***Purpose and Need*** for the project is an agreement that alternatives must address and be based upon the purpose and need that has obtained concurrence.

G. Alternatives to be Carried Forward (Concurrence Point)

The full range of alternatives which must be developed and considered in the process is viewed from two different perspectives; NEPA and Section 404 of the Clean Water Act.

The NEPA alternatives are those that can accomplish the overall project purpose but are not unnecessarily constrained by being strictly available to the applicant. Alternatives viewed from the perspective of the Section 404 review must accomplish the overall project purpose but must also be practicable to the applicant. Practicable is defined as being available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes. Practicable alternatives include those activities which do not involve a discharge of dredged or fill material into waters of the United State, including wetlands.

A key issue based upon the purpose and need statement in consideration of Section 404 requirements and permit issuance for a discharge proposed in a special aquatic

site, is the presumption of practicable alternatives. All practicable alternatives to the proposed aquatic discharge are presumed to have less adverse impact on the aquatic ecosystem unless clearly demonstrated otherwise. To demonstrate otherwise, it must be shown that an alternative to avoid has other significant adverse environmental consequences. Thus, it is critical that the purpose and need statement establishes a sound basis for the alternatives discussion required by NEPA and by Section 404 so that the least environmentally damaging practicable alternative (LEDPA) can be determined in accordance with both regulations.

The second concurrence point is on ***Alternatives to be Carried Forward*** and is the point where the participating agencies agree on which alternatives merit detailed analysis. This indicates the range of alternatives considered meets their needs and that the basis for selecting the alternatives to be developed in detail satisfies their requirements. The combination and/or refinement of the alternatives agreed upon are not normally considered adequate reasons for revisiting this concurrence point.

The IDOT will provide information to the regulatory and resource agencies that will explain all alternatives considered, why alternatives were dropped, and why others were carried forward. When the SIA signatories concur in the alternatives to be carried forward for a project subject to this SIA, they will not subsequently propose new alternatives unless substantial new information becomes available or the project or its impacts substantially change.

H. Alternatives Analysis

The IDOT will provide information to the regulatory and resource agencies regarding the analysis of alternatives to avoid, minimize, and mitigate adverse impacts to waters of the United States and wetlands in Illinois. For impacts to wetlands, this information typically will be in the form of a wetlands technical report. This coordination will allow the regulatory and resource agencies to determine the adequacy of the avoidance, minimization and compensation analysis and to comment on whether the remaining alternatives have any major flaws.

The degree of documentation will vary with the alternative. Those alternatives presented in the NEPA document which clearly are not practicable or reasonable would require less documentation. Conversely, those practicable alternatives presented in the NEPA document could conceivably give rise to additional alternatives, particularly the selection of a preferred alignment and could require more documentation. The key alternatives analysis lies in the need to document any decision point which causes the elimination of alternatives. By recording such decision points, a clear history of alternatives development and direction is available for review. Such documentation need not be voluminous but should provide sufficient information to allow a clear understanding of the rationale for elimination.

I. Selected Alternative (Concurrence Point)

The third concurrence point is for the ***Selected Alternative***. In proceeding to the selection of a final alternative, compliance with the appropriate State procedures should be documented as they relate to the Section 404 public interest decision. The following provisions will be followed to satisfy the NEPA documentation/public involvement requirements of the FHWA and the Corps:

1. Environmental Impact Statements (EIS).

   a. The Joint Application Form may be submitted to the appropriate agencies before the circulation of the Draft EIS or prior to circulation of the Final EIS. The Corps will issue the 404 Public Notice for complete applications concurrent with circulation of the Final EIS.

   b. For projects subject to this SIA, the following items must be included in the Final EIS to document preliminary agreement on section 404(b)(1) compliance:

      i. Written preliminary agreement of the Fish and Wildlife Service (FWS) in the project mitigation plan, based on consultation in accordance with the Fish and Wildlife Coordination Act.

      ii. If the FWS indicates that federally-listed threatened or endangered species may occur in the project area, written documentation of FWS concurrence in one of the following findings: that listed species are not present; that listed species are not likely to be affected; or that the proposed action will not jeopardize the continued existence of a listed species.

      iii. A wetland compensation plan (if necessary).

      iv. A draft 404(b)(1) evaluation stating the Corps' preliminary opinion on compliance with the Section 404(b)(1) guidelines.

   c. The Final EIS must also include documentation of necessary coordination required under Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593.

   d. The final EIS and the Section 404 public notice for the proposed permit action will be circulated at the same time.

   e. After the Record of Decision is signed the Corps will proceed with its public interest decision for the Section 404 permit application after a final determination of compliance with the section 404(b)(1) guidelines.

2. Environmental Assessment (EA)/Environmental Class of Action Determination (ECAD).

NOTE: *The ECAD document is used in Illinois on highway projects which meet the Categorical Exclusion (CE) definition but which historically have been processed with Environmental Assessments. The ECAD document was developed to make full use of the flexibility which the FHWA regulations allow in determining whether actions in addition to those listed in the FHWA environmental regulation qualify for CE processing. The ECAD document procedures ensure that such actions will be thoroughly evaluated and systematically documented to provide a legally defensible record supporting the CE processing decision.*

Projects proceeding under the ECAD procedures can be elevated to an EIS if the project is determined to involve a significant environmental impact or to an EA if the project generates organized opposition on environmental grounds or a regulatory and resource agency identifies an impact to its own resource that requires an EA.

a. The application for the Corps permit will be submitted before the EA is made available for public and agency review, or before completion of the ECAD document, to allow the Corps to prepare and issue the public notice for the permit action to coincide with the availability of the EA. If a public hearing is requested or determined necessary, the hearing will be intended to satisfy the requirements of FHWA/IDOT and the Corps.

b. After the FONSI is signed the Corps will proceed with its public interest decision through the determination of compliance with the Section 404(b)(1) Guidelines and preparation of the Corps' decision document. If the ECAD process determines that the project qualifies as a Categorical Exclusion the Corps may adopt the FHWA's environmental documentation, use portions of the information in the Corps EA, or prepare its own EA for the Section 404 permit.

V. Modification/Termination

This SIA may be modified upon approval of all signatories. Modification may be proposed by one or more signatories. Proposals for modification will be circulated to all signatories for a 30-day period of review. Approval of such proposals will be indicated by written acceptance. A signatory may terminate participation in this agreement upon written notice to all other signatories.

STATEWIDE IMPLEMENTATION AGREEMENT

NATIONAL ENVIRONMENTAL POLICY ACT
AND
CLEAN WATER ACT SECTION 404

CONCURRENT NEPA/404 PROCESSES
FOR
TRANSPORTATION PROJECTS
IN
ILLINOIS

The Federal Agencies in cooperation with the Illinois Department of Transportation (IDOT) agree to implement, to the fullest extent practicable and as funding and staffing level allow, the solutions outlined in the Statewide Implementation Agreement to the extent they are implemented by IDOT.

This agreement becomes effective upon signature of all agencies and may be modified by written approval of each agency. This agreement may be revoked by agreement of all agencies or by any agency upon 30-days written notice to the other agencies.

U.S. Army Corps of Engineers

Steve Vander Horn, Chief
Regulatory Branch
Rock Island District

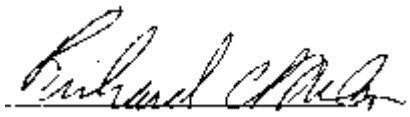
Mitch Isoe, Chief
Regulatory Branch
Chicago District

Michael Brazier, Branch Chief
Regulatory Branch
St. Louis District

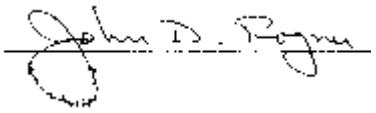
James Townsend, Chief
Regulatory Branch
Louisville District

Larry Watson, Chief
Regulatory Branch
Memphis District

U.S. Fish and Wildlife Service



Richard C. Nelson
Field Supervisor
Rock Island Illinois Field Office



John Rogner
Field Supervisor
Chicago Illinois Field Office

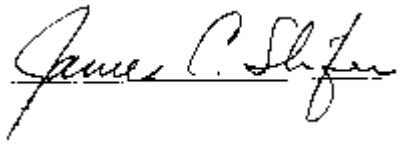
U.S. Environmental Protection Agency

Michael W. MacMullen
Manager, Federal Activities Program
Region Five

U.S. Coast Guard

Roger K. Wiebusch
Bridge Administrator
Eighth Coast Guard District

Illinois Department of Transportation



James C. Slifer
Director of Highways

Federal Highway Administration

Ronald C. Marshall
Division Administrator

FLOW DIAGRAM NOTES

Concurrence Points

1. Purpose and Need

   Concurrence on purpose and need signifies the agencies have agreed that the description of the basic and overall project purpose and need is acceptable for their purpose.

2. Alternatives to be Carried Forward

   Concurrence on alternatives to be carried forward signifies the agencies have agreed on which alternatives merit detailed analysis. This indicates that the range of alternatives considered meets their needs and that the basis for selecting the alternatives to be developed in detail satisfies their requirements.

3. Selected Alternative

   Concurrence means that the agencies agree that the selected alternative is the least-damaging, practicable alternative available to the applicant. This concurrence will allow the applicant to move forward with the final design and the regulatory authority to proceed with developing their decision documents upon receipt of a permit application.

	SYSTEMS PLANNING PROCESS	SCOPING	PROJECT PURPOSE & NEED	ALTERNATIVES DEVELOPMENT	
USEPA	Identify and Prioritize workload Serve as Representative for Resource Agencies as Necessary	Review Initial Data (Scope of Work) Provide Information, Technical Assistance, Minimum Criteria, Env. Concerns, Resources Initiate 309/404 Process Comment on Data Methodology and Level of Detail	Comment and Request Additional Information on Purpose and Need Comment on Project Notification including Purpose and Need	Review and Comment on Full Range of Alternatives Participate in Developing Alternatives	CONCURRENC
USFWS	Identify and Prioritize workload Serve as Representative for Resource Agencies as Necessary	Provide Information, Technical Assistance, Minimum Criteria, Env. Concerns, Resources Comment on Data Methodology and Level of Detail	Comment on Project Notification including Purpose and Need	Review and Comment on Full Range of Alternatives Participate in Developing Alternatives	E POIN
FHWA	Participate with MPOs in Urban Planning Process and with IDOT in Statewide Planning Process Identify and Prioritize workload	Request Cooperating Agencies Participate in Scoping Meeting Agree on Methodology and Level of Detail Request Concurrence on Purpose and Need	Review and Evaluate Purpose and Need in Conjunction with USACE Early Project Notification Communicate Priorities to Resource Agencies Arrange for Federal and State Interaction of Specific Projects Identify Logical Termini	Assure that Alternatives Address Project Purpose and Need Assure Reasonableness of Alternatives	T PURPOSE &
USACOE	Identify and Prioritize workload Serve as Representative for Resource Agencies as Necessary	Identify Areas of Concern Identify Data Needs Identify Permit Needs, If Possible Identify Cooperating Agency Status Comment on Data Methodology and Level of Detail	Review and Evaluate Purpose and Need in Conjunction with FHWA Comment on Project Notification Including Purpose and Need	Participate in Developing Alternatives Review and Comment on Full Range of Alternatives Assure Full Range of Alternatives is Presented	NEED
USCG	Identify and Prioritize workload.	Determine if bridge permit required. Participate in scoping meetings. Identify bridge permit needs. Identify cooperating agency status.	Review & evaluate purpose & need in conjunction with FHWA.	Comment on alternatives. Identify pier locations for each alternative. Assure full range of alternatives presented.	
IDOT	Develop Purpose and Need from a Transp. Systems Viewpoint Coordinate with Locals/MPOs Identify Deficiencies Arrange Presentations for Resource Agencies After Statewide Plan update Coordinate Review of Draft Transportation Plans with Agencies Use information in Existing Database	Field review/meeting Define Public/Agency Involvement Study Methodologies Range of Alternatives Plan of Study Provide Section 7 Consultation	Use Established Critical and Methodology for Purpose and Need Early Project Notification Identify Study Area Transportation Mode Internal Scoping Funding/Schedule	TSM Alternatives Develop Alignments No-Action Alternative Multimodalism Develop Full Range of Alternatives to Present to Resouce Agencies which are Reasonable and Practicable Continue Data Collection if Necessary	
IDNR & IEPA	Identify and Prioritize workload Serve as Representative for Resource Agencies as Necessary	Provide Information Technical Assistance, Minimum Criteria, Env. Concerns, Resources Initiate Regulatory Process Comment on Data Methodology and Level of Detail	Comment on Project Notification including Purpose and Need	Provide Review on Alternatives	
			RANGE FOR CONCURRENCE ON PURPOSE AND NEED		

	ALTERNATIVES ANALYSIS & SCREENING		DRAFT NEPA DOCUMENT REVIEW	COMMENT RESPONSES & PRE-FINAL PREPARATION	
USEPA	Review Alternatives Presented Comment on Adequacy of Information and Range of Alternatives Concur on Alternatives	CONCURRENCE	Review and Comment on NEPA Document Rate NEPA Document Coordinate All Levels Review 404 Avoidance Efforts Send Comments to 404(q), if Necessary	NEPA Evaluations and Congressional Briefing Post-Comment Coordination Meeting Review and Comment on Selected Alternative	CONCURRENCE
USFWS	Review Alternatives Presented Comment on Adequacy of Information and Range of Alternatives Concur on Alternatives	POINT	Review and Comment on NEPA Document Coordination All Levels Review 404 Avoidance Efforts Send Comments to 404(q), if Necessary	Review and Comment on Selected Alternative Review and Provide Written Preliminary Agreement on Conceptual Mitigation Plan Provide Closure regarding Endangered and Threatened Species Concerns	POINT
FHWA	Address Avoidance of Wetlands and Other Sensitive Areas Request Alternatives Carried Forward	ON	Ensure Adequacy of NEPA Document Circulate NEPA Document	Ensure Comments are addressed Select Preferred Alternative and Request Concurrence	ON
USACOE	Review Alternatives Presented Comment on Adequacy of Information and Range of Alternatives Concur on Alternatives	ALTERNATIVE	Review and Comment on NEPA Document, Including 404 Concerns Review Permit Application Review Conceptual Mitigation Plan for Selected Alternatives	Post-Comment Coordination Meeting 404(q) Process Begins if Necessary Confirm Scope of 404 Jurisdiction Review and Comment on Selected Alternative USACE Review and Coordiation of Comments (Draft 404(b)(1) Evaluation)	SELECTED
USCG	Review alternatives presented. Comment on adequacy of information & range of alternatives. Concur on alternatives.		Review & comment on NEPA document, including bridge permit concerns.	Review and comment on selected alternative	
IDOT	Cost Impact Balancing Conceptual Plan of Compensatory Mitigation Feasibility-Satisfying Purpose and Need? Present Alternatives for Detailed Analysis	FORWARDED	NEPA Document for Review by Cooperating Agencies Public Review Finalize Technical Reports Prepare and Submit Permit Application for Department of the Army Authorization	Analyze Comments and Prepare Pre-Final NEPA Document Agency Consultation Conduct Public/Agency Meetings Refine Analyses Develop Responses Present Alternative	ALTERNATIVE
IDNR & IEPA	Review Alternatives, concur on Alternatives		Review and Comment on NEPA Document, 401 and Regulatory Concerns	Review and Comment on Selected Alternative	
RANGE FOR CONCURRENCE ON ALTS CARRIED FORWARD			RANGE FOR PUBLIC HEARING (IF WARRANTED)		
				RANGE FOR CONCURRENCE ON SELECTED ALTERNATIVES	

* IDNR-Illinois Department of Natural Resources (which includes the former Illinois Department of Conservation)
IEPA-Illinois Environmental Protection Agency

	FINAL REVIEW		PROJECT DESIGN	FINAL PERMIT REVIEW		PROJECT IMPLEMENTATION AND MONITORING
USEPA	Review/Comment Verify Concerns Addressed Formal NEPA Referral Process	RECORD OF		404(c) Complete the 404 Review	PERMIT	
USFWS	Review/Comment Verify Concerns Addressed Formal NEPA Referral Process	DECISION		Complete the 404 Review	DECISION	
FHWA	Ensure Adequacy of NEPA Approve and Circulate Receive/Consider Comments Approve ROD or FONSI Review Minimization Efforts Review Conceptual Mitigation	OR FONSI &	Ensure Design Addresses All Comments			Permit Compliance ROD/FONSI Compliance
USACOE	Review Verify Concerns Have Been Addressed Formal NEPA Referral Process 404(q) Process Begins, if Necessary Prepare Public Notice, When Appropriate	CONDITION	Review/Documentation Prepared to Date	Prepare Decision-Making Documents Issue or Deny Permit Announce Decision (Notice of Intent to Issue) Complete 404(q) Process		Ensure Compliance with Permit Conditions Ensure Compliance with Mitigation Commitments
USCG	Review & comment. Verify concerns addressed.		Ensure design satisfies navigation requirements.	Process bridge permit application.		Ensure compliance with bridge permit, including approval of construction-stage elements affecting navigation (e.g, temporary docks, barge ramps, cofferdams).
IDOT	Prepare Final NEPA Document Mitigation Checklist/Report Review Conceptual Mitigation		Minimization and Other Mitigation Public/Agency Consultation Compensatory Mitigation Prepare Final Design			Project Construction Mitigation Construction and Maintenance Monitoring
IDNR & IEPA	Review/Comment Verify Concerns Addressed			Complete State Regulatory Review		
404 PUBLIC NOTICE						

* IDNR-Illinois Department of Natural Resources (which includes the former Illinois Department of Conservation)
IEPA-Illinois Environmental Protection Agency

22-4.05 Section 404(b)(1) Compliance Information Outline

This subsection presents an outline that should be used for determining the appropriate level of information needed for compliance with the 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" in the Section 404 permit process.

22-4.05(a) Discussion of Alternatives

The 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" (40 CFR Part 230) provides that "...no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." Furthermore, the Guidelines provide that "Where the activity associated with a discharge which is proposed for a special aquatic site...[sanctuaries and refuges, wetlands, mud flats, vegetated shallows, riffle and pool complexes]...does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not 'water dependent'), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise."

When the recommended or selected project alternative will involve a discharge of dredged or fill material into waters of the United States, sufficient information must be provided to demonstrate why alternatives that would have less impact on the aquatic ecosystem either are not practicable or that such alternatives would have other significant adverse environmental consequences. Furthermore, when the recommended or selected project alternative will involve a discharge of dredged or fill material into a special aquatic site, information must be provided to clearly explain why practicable alternatives that do not involve special aquatic sites are not available.

22-4.05(b) Items for 404(b)(1) Compliance Evaluation

To the fullest extent practicable, project environmental studies for projects anticipated to require an individual Section 404 permit should address the information the Corps and the natural resource agencies will need for evaluating compliance with the Section 404 (b)(1) Guidelines. The following is an outline of the information evaluated under the 404(b)(1) Guidelines. Districts should contact the BDE Environment Section, as necessary, for guidance on responding to these items:

1. Information for determining that the activity will not violate applicable State water quality standards or effluent standards prohibited under Section 307 of the CWA or jeopardize the existence of Federally listed endangered or threatened species or their habitat.

2. Information to establish that the activity will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health, life stages of organisms dependent upon aquatic ecosystems, ecosystem diversity, productivity and stability and recreational, aesthetic, and economic values.

3. Information to demonstrate that appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem, in accordance with Subpart H of the 404(b)(1) Guidelines.

4. Information addressing the potential of the proposed discharge to cause short-term or long-term environmental effects related to any of the following:

- Physical substrate
- Water circulation and fluctuation
  + Alteration of current patterns of water circulation
  + Alteration of normal water fluctuations/hydroperiod
- Suspended particulates/turbidity
- Contaminant availability
- Aquatic ecosystem structure and function (including both secondary and cumulative impacts)
- Water column impacts
  - Alteration of salinity gradients
- Federally listed threatened or endangered species and their habitat
- Other wildlife (mammals, birds, reptiles, and amphibians)
- Special aquatic sites
  + Sanctuaries and refuges
  + Wetlands
  + Mud flats
  + Vegetated shallows
  + Riffle and pool complexes
- Municipal and private water supplies
- Recreational and commercial fisheries
- Water-related recreation
- Aesthetics
- Parks, national and historical monuments, wilderness areas, research sites, and similar preserves

5. Information to support determination that the proposed dredged or fill material is not a carrier of contaminants or that levels of contaminants are substantively similar at extraction and disposal sites and not likely to result in degradation of the disposal site. Factors to consider include the following:

- Physical characteristics of material
- Hydrography in relation to known or anticipated sources of contaminants
- Results from previous testing of the material or similar material in the vicinity of the project
- Known, significant sources of persistent pesticides from land runoff or percolation
- Spill records for petroleum products or designated hazardous substances
- Other public records of significant introduction of contaminants from industries, municipalities, or other sources
- Known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by the proposed discharge activities

6. Information regarding the following factors for the proposed dredged or fill material disposal site:

- Depth of water at disposal site
- Current velocity, direction, and variability at disposal site
- Degree of turbulence
- Water column stratification
- Discharge vessel speed and direction
- Rate of discharge
- Dredged material characteristics (constituents, amount and type of material, settling velocities)
- Number of discharges per unit of time
- Other factors affecting rates and patterns of mixing

22-5 COORDINATION

References: 40 CFR 1500.2(d) *Policy Encouraging Public Involvement*
40 CFR 1500.5(b) *Interagency Cooperation*
40 CFR 1501.1(b) *Early Coordination*
40 CFR 1501.6 *Cooperating Agencies*
40 CFR 1503.4 *Response to Comments*
40 CFR 1506.6 *Public Involvement*
23 CFR 771.111 *Early Coordination and Public Involvement*
23 CFR 771.119(b) *Early Coordination in Development of EA*
Question 9. of CEQ Q&A *Coordination of NEPA with Other Applicable Requirements*
Chapter 19 *Public Involvement Guidelines*
Chapter 26 *Special Environmental Analyses*

The primary objective of coordination is to emphasize cooperative consultations among agencies, organizations, and persons before the final environmental report (or discussion) is prepared. This is intended to avoid the submission of adverse comments on a completed document. This section discusses policies and practices on coordination for all State highway projects. The necessary coordination for a specific environmental process (e.g., an EIS) is discussed in the applicable chapter (e.g., Chapter 25 for an EIS).

22-5.01 General

22-5.01(a) Policy

Every reasonable effort shall be made in project development to inform and solicit the aid of agencies, organizations, and persons who have an interest in the project or who have information or expertise on environmental factors relevant to the project. Special efforts shall be made to begin such coordination as early as practicable in project development and to use procedures which will encourage and allow public participation in constructing the value judgments necessary to select wisely among project alternatives.

22-5.01(b) Procedures

To achieve proper coordination, IDOT has adopted the following general procedures which apply to all projects:

1. Determination of Impact Significance. Because the significance of an impact often depends on the frame of reference for existing conditions, its determination is not always clear. Therefore, it is important to contact agencies which have special expertise in the areas of identified impacts and to contact individuals and organizations directly affected by the proposed action. Documentation of these contacts and of coordination on the

resolution of identified problems should be included in the project's environmental report or Phase I Engineering Report.

2. Timing for Identification of Impacts. Those entities which will provide input into the project require accurate, substantive information to conduct a meaningful assessment. Therefore, the identification and evaluation of the social, economic, and environmental effects (Item #1 above) of a highway improvement (or other Federal action) and the identification of all reasonable measures to mitigate adverse impacts shall be initiated early in project planning. These aspects shall be considered in addition to the engineering and safety factors throughout the development of a highway improvement.

3. Early Coordination. Early coordination with appropriate local, State, and Federal agencies shall be accomplished to assist in the identification of all reasonable alternatives and in the evaluation of the social, economic, and environmental impacts of any proposed action. The early coordination is also intended to identify measures to mitigate adverse impacts which result from that action.

4. Metropolitan Planning Organizations (MPO). Early coordination with MPO's shall be accomplished, where appropriate, to identify regional impacts which have been assessed as part of the planning process required under 23 USC 134 (3-C Planning).

5. Communication. In most cases, early coordination can be effectively accomplished through correspondence, meetings, etc. Formal scoping meetings may be appropriate for complex projects which involve several Federal agencies. See Section 22-5.01(c).

6. Public Involvement. The most significant area of project coordination is the public involvement process. Chapter 19 discusses the details of public involvement. Procedures for inviting, responding to, and incorporating public comments in the development of environmental reports are presented in the applicable chapter (e.g., Chapter 25 for an EIS).

22-5.01(c) Communication

The IDOT district offices are typically the primary points of contact for coordination with other entities. The following applies to the means of communication:

1. District Meetings. IDOT district offices should encourage agencies, organizations, and persons who have special expertise or jurisdiction by law for any environmental impact of a proposed project to attend the regularly scheduled coordination meetings held by the districts. This will allow these entities to receive early notification and firsthand information on undertakings and to provide firsthand knowledge on environmental issues relevant to these undertakings. Other coordination-type meetings should be scheduled and undertaken, as needed, to resolve potential environmental problems as early as practical in project development. Information provided and received at all such meetings should be

documented for potential use in decision making and in environmental reports or Phase I Engineering Reports.

2. Scoping Meetings. If practical, the regularly scheduled district meetings discussed in Item #1 should also serve as scoping meetings, where appropriate. Formal scoping meetings may be appropriate for complex projects which involve several Federal agencies. Where scoping occurs, either at the regular district coordination meetings or in a specially convened meeting, these should be especially well documented, including who participated, what information was provided and received, what decisions were made, and who agreed and who dissented with specific determinations.

3. Public Involvement. Chapter 19 discusses this in detail.

4. Correspondence. Correspondence is a key element in coordination activities. Correspondence received on an environmental issue should be acknowledged. If the correspondence responds to a request for comments on a public involvement activity or an environmental document, the correspondence should be acknowledged as described in the procedures for public involvement (see Chapter 19) or as described in 40 CFR 1503.4. For other correspondence on environmental matters, the appropriate form of written acknowledgment may be an individual response letter. Substantive comments should be addressed in sufficient detail to allow the commentor to obtain a clear understanding of the status of the issue and its disposition.

22-5.01(d) Commitments

References: 40 CFR 1505.3 *Responsibility for Implementing Mitigation*
23 CFR 771.109(b) *Responsibility for Implementing Mitigation*
Question 34d. of CEQ Q&A *Enforceability of ROD*
Question 39. of CEQ Q&A *Imposing Enforceable Mitigation for EA and FONSI*

Often the end result of coordination activities is IDOT commitments to, for example, provide measures to mitigate the adverse impact of a project. No other single factor is as significant in IDOT's ability to interact effectively with other entities as the Department's record and credibility for fulfilling its past commitments. It is important that commitments be honored, for the follow through on one project may affect negotiations, approvals, and processing for many other projects.

It is sometimes difficult to ensure that a commitment made at the planning stage of project development will be implemented at a later stage (e.g., design, construction, or maintenance). To ensure that a commitment is not neglected, special efforts should be made to identify and emphasize commitments in environmental reports or Phase I Engineering Reports. Commitments must be identified in the decision statement and/or a special subsection of each report. Decision statements could serve as an appropriate mechanism for transmitting important information among bureaus within the IDOT district offices.

The networks for environmental processing in Chapters 24 and 25 discuss the implementation of mitigation measures in more detail.

22-5.02 Projects Involving Federal Lands (FWS Coordination)

Reference: Section 26-9 *Threatened and Endangered Species/Natural Area Impact Assessments*

22-5.02(a) Background

The US Fish and Wildlife Service (FWS) has requested early notification in planning for projects with any involvement of Federal lands, primarily those areas in the Shawnee National Forest. The purpose of the notification is to provide FWS an early opportunity to evaluate potential uses of and impacts on such land, which may or may not be subject to Section 4(f). This notification is in addition to coordination with the FWS that otherwise may be required (e.g., because of involvement with Federally listed threatened and endangered species).

22-5.02(b) Applicability

The following procedures are applicable to all State highway projects.

22-5.02(c) Procedures

As part of early project planning studies, the district office should evaluate whether projects may involve the use of any Federal lands. If yes, this should be communicated to the appropriate office of the FWS. The preferred method of notification is to mention the potential involvement in the agenda for a regularly scheduled district coordination meeting (see Section 22-5.01). FWS personnel will determine whether to attend the coordination meeting or request additional information to address any concerns they may have on the potential involvement. The information included in the agenda should identify the Federal lands involved and, as practical, should briefly describe the nature and extent of the potential involvement.

District offices must ensure that the appropriate office of the FWS is provided coordination meeting agendas and associated meeting minutes when projects involving Federal lands are addressed.

22-5.03 Coordination with US Army Corps of Engineers

References: Section 22-4 *Concurrent NEPA/404 Processes*
Chapter 28 *Environmental Permits/Certifications*

IDOT and the US Army Corps of Engineers (USACOE) have developed special coordination procedures to provide the USACOE with the proper opportunity to participate in the project development process.

22-5.03(a) Project Meetings

USACOE offices should be afforded advance notice of meetings at which their attendance would be necessary or desirable. For concurrence point meetings associated with the concurrent NEPA and Section 404 procedures, the notification will be as described in the procedures (see Section 22-4). For other meetings, the district office should provide the following information to the appropriate USACOE office and should send an informational copy to BDE:

- proposed location and date(s) for meeting,
- purpose of the meeting,
- explanation of the reason for USACOE involvement, and
- sufficient information on the details of the project(s) or issues involved to enable USACOE representatives to prepare for the meeting.

22-5.03(b) USACOE As Cooperating Agency

When it is determined that USACOE should be a Cooperating Agency for a specific project, the request to USACOE should be made by the district office as early as practical in project development, preferably before preparation of the draft environmental document. Note that USACOE does not need to be a Cooperating Agency for projects in which only nationwide permits are necessary. The notice should include the best available information on the proposed undertaking (e.g., project scope, alternatives, any pertinent issues that have been identified).

22-5.03(c) Environmental Reports and Section 404 Permits

Section 22-4 discusses coordination with the USACOE on concurrent NEPA and Section 404 processes. The following additional guidance applies to the specific environmental document:

1. EA/FONSI. If, during the period of EA availability or at the public hearing (if one is held), substantive comments are received from other agencies or individuals on permit-related issues, the district office shall provide the appropriate USACOE office a copy of the comments for review before submitting a FONSI to FHWA for approval. If USACOE wishes to receive a copy of the FONSI for a specific project when the FONSI is approved, this will be noted in its comments on the EA. Otherwise, the district office should provide

the approved FONSI to USACOE when the application is made for the individual Section 404 permit.

2. EIS. The district office shall provide USACOE a copy of the preliminary FEIS for projects that will require an individual Section 404 permit, unless USACOE advises in their comments on the DEIS that it does not need to review the preliminary FEIS. The district office shall provide USACOE a copy of all approved FEIS's for projects which require an individual Section 404 permit at the time of FHWA approval.

Chapter 28 provides additional information on Section 404 permits.

22-5.04 Coordination with US Department of the Interior

References: Section 26-2 *Section 4(f) Evaluations*
Section 26-3 *Section 6(f) Land Conversion Request*
Section 26-5 *Historic Act Compliance Documentation*

22-5.04(a) Background

The US Department of the Interior (DOI) has provided guidance concerning contacts for environmental and other project document reviews and requests for early coordination and consultation in project planning. This section implements the DOI guidance for applicable State highway projects.

22-5.04(b) Applicability

The following procedures are applicable to all State highway projects that involve Federal funding, approvals, or permits that involve lands under the jurisdiction of DOI.

22-5.04(c) Procedures

When transmitting draft and final environmental impact statements to DOI during the formal comment periods specified in the FHWA environmental procedures (23 CFR Part 771), districts should direct the transmittals to the DOI Office of Environmental Policy and Compliance (OEPC). OEPC will coordinate with the DOI bureaus that will participate in the review. To facilitate this coordination, OEPC should receive twelve (12) copies of DEIS's and six (6) copies of FEIS's at the following address:

Director, Office of Environmental Policy and Compliance
Department of the Interior
Main Interior Building, MS 2340
1849 C Street NW
Washington, DC 20240

All other project-related contacts with DOI should be directed to the appropriate DOI field level bureaus. This includes contacts for early coordination and scoping requests, environmental assessments, or reports not accompanied by project planning or design documents, findings of no significant impact, preliminary or working drafts of environmental impact statements, and similar material of a regional nature. Copies of these documents need not be sent to the OEPC in Washington DC. DOI's Regional Environmental Officers (REO's) serve as representatives of OEPC and should be contacted if questions arise regarding DOI's environmental review procedures. The address, fax, and phone numbers of the DOI REO for Illinois are as follows:

Custom House, Room 217
200 Chestnut Street
Philadelphia, Pennsylvania 19106
Telephone: 215-597-5378
Fax: 215-597-9845

DOI encourages agencies to establish direct working relationships with its field offices. These relationships are important for early identification of issues and concerns and also for early resolution of environmental problems that otherwise would surface during formal reviews of environmental documents.

DOI bureaus and offices with jurisdiction by law or special expertise on environmental quality issues are listed in Appendix II to the CEQ regulations (49 FR 49754; December 21, 1984), which was distributed via BLE Information Memorandum No. 2-85, dated February 7, 1985. Districts should use Appendix II to determine appropriate DOI contacts for coordination during early planning, NEPA scoping, and other preliminary activities.

22-5.05 Coordination with IDNR on Natural Resource Issues

References: Section 26-3 *Section 6(f) Land Conversion Request*
Section 26-4 *OSLAD Land Conversion Request*
Section 26-9.06 *State Requirements (for Threatened and Endangered Species)*

22-5.05(a) Interagency Agreement

Coordination with the Illinois Department of Natural Resources (IDNR) for highway projects is governed by a *Natural Resource Review and Coordination Agreement* between IDOT and IDNR. The Agreement establishes a framework for early coordination on natural resource

issues and for follow-up coordination as necessary for compliance with statutory and regulatory requirements under the jurisdiction of IDNR. The following sections discuss the key provisions of the IDOT/IDNR coordination Agreement.

22-5.05(b) General Principles of Coordination

Project coordination with IDNR will be conducted in accordance with the principles discussed in the following paragraphs.

The IDNR Transportation Program Manager and the IDOT BDE will be the primary contacts for coordination of IDOT project information. The IDNR Transportation Program Manager is responsible for ensuring that appropriate offices within IDNR receive IDOT project information for review in response to identified resource involvements. The IDNR Transportation Program Manager also will be responsible for notifying IDOT of any additional information needed for IDNR to complete its review. The IDOT contact will be responsible for supplying IDNR the information necessary to complete the review of a project, including the initial information for threatened and endangered species and additional information for projects required to be submitted for a more thorough review.

All official comments, recommendations, and responses by either IDNR or IDOT will be in writing, except in emergency situations which are defined in IDNR administrative rules (17 Ill. Adm. Code 1075). Verbal responses may be allowed for urgent situations, with a written response due within five days following the action taken.

The review process shall include an examination of the potential impacts to natural resources in general and to ensure compliance with the Interagency Wetland Policy Act of 1989, the Endangered Species Protection Act, and the Illinois Natural Areas Preservation Act. Upon completion of the review for a project, IDNR will provide documentation to confirm IDOT compliance with these State laws. The review conducted by IDNR is valid for three years from the date upon which IDOT and IDNR conclude formal coordination necessary to address resources covered by the IDOT/IDNR coordination Agreement. If the project has not commenced (i.e., been advertised for bid letting) in that time, it must be resubmitted for IDNR review. IDOT shall submit the original Agency Action Report (AAR) to initiate this review.

(*For projects requiring coordination with IDNR, Districts will be responsible for ensuring that a valid IDNR review response [i.e., a response that provides closure on applicable issues covered by the IDOT/IDNR Interagency Coordination Agreement] is in effect at key decision points up to when the project is advertised for bid letting. See Section 22-5.05(c) Follow-up Coordination and Reporting.*)

“Agency Action Report” is defined in 17 Ill. Adm. Code 1075.20 as a report submitted to IDNR by agencies proposing an action(s) requiring consultation. The information required to be submitted shall be sufficient to determine the presence or absence of a threatened or endangered species or Natural Area in the vicinity of the proposed action.

22-5.05(c) Review Process

1. Pre-Screening for Threatened and Endangered Species

For projects affecting only agricultural crop land or urban properties developed for residential, commercial, or industrial purposes, submittal of an AAR to IDNR will not be necessary. For all other projects, IDOT shall submit to IDNR an AAR for pre-screening against the Natural Heritage Database. The AAR shall indicate the location of the project and shall include a map delineating the project boundaries. Within 30 days of receipt of the AAR, IDNR will provide one of the following responses:

A. If no species or Illinois Natural Areas Inventory (INAI) sites are known to occur and fieldwork is not recommended, IDNR will sign and date the AAR and return to IDOT, thus completing consultation. If it is subsequently determined that the project involves other resource issues covered by the IDOT/IDNR coordination Agreement, IDNR will rescreen the project against the Natural Heritage Database prior to affirming resolution of the resource issues involved. The sign-off is valid for three years from the date of the initial IDNR signature on the AAR or from the date of resource issue resolution, if other resource issues are involved.

B. If listed species or INAI sites are known to occur within the vicinity of the proposed action, IDNR will make the information available to IDOT. IDNR also will convey recommendations regarding the need for further fieldwork, as appropriate. Future coordination regarding the species or INAI sites will be accomplished between IDOT and the IDNR Transportation Program Manager.

2. Determining Need for Further IDNR Review

IDOT will review proposed projects (using maps, aerial photos, the Natural Heritage Database, and field surveys) to determine if they potentially involve any of the resource issues in Figure 22-5A.

If IDOT determines on the basis of its review that a project does not involve any issues of interest to IDNR, the project is not required to be submitted to IDNR for review.

If IDNR recommended surveys during the pre-screening process, IDOT will provide copies of the survey results to IDNR. If the surveys were not conducted as recommended, IDOT will provide documentation to support this decision. When any of the resources in Figure 22-5A are determined to occur in the area the proposed project may affect, IDOT will determine whether the resources are covered by a programmatic agreement between IDOT and IDNR for avoidance and mitigation of impacts. If the resources are covered by such an agreement and the project will comply with the agreed terms, no further coordination with IDNR is necessary.

Resource	Further Clarification
Wetlands	
Streams	Includes Class I Streams and their riparian corridor
Forests/Trees	The bisecting of a forest or the removal of a significant number of trees*
Prairie/Savanna Areas	
IDNR Properties	
Nature Preserves/Natural Area Inventory sites or sites on the Register of Land and Water Reserves	
Threatened and Endangered Species	Includes previously documented occurrences of which IDOT is aware and occurrences identified through the Natural Heritage Database

* *Forests/Trees*. *If any of the following conditions apply, the project will be submitted to IDNR for completion of the natural resource review process:*

- *a project on new alignment involving impacts to a block of trees equal to or greater than 20 acres (8 ha);*
- *the removal of trees that would bisect or fragment a 20-acre (8 ha) or greater block of trees not associated with a stream corridor; or*
- *within a stream corridor:*
  - + *a project on new alignment on any stream segment, or*
  - + *a project on existing alignment if a Class I Stream is involved.*

Work involving the removal of dead and diseased trees for safety reasons need not be coordinated with IDNR for review.

INVOLVEMENT OF NATURAL RESOURCES
(IDNR Review)
Figure 22-5A

3. Coordinating with IDNR for Project Review

If identified resources involved with a project are not covered by a programmatic agreement, or if IDOT is unable to comply with the terms of such an agreement, IDOT will prepare and submit to the IDNR Transportation Program Manager a Biological Resources Review (BRR). The BRR shall indicate the results of fieldwork conducted and shall describe efforts made to avoid or minimize adverse impacts to the identified resources. If the translocation of a listed species is proposed, IDOT will provide sufficient information in the BRR to enable IDNR to evaluate the likelihood of success.

The IDNR Transportation Program Manager will review the BRR and supporting documentation and will coordinate with appropriate staff to determine whether further analysis or recommendations are required. After the review and within 90 days of receipt of the BRR, IDNR will submit one of the following responses to IDOT:

A. IDNR accepts the conclusions/proposals contained in IDOT's BRR and provides a form indicating successful closure of the threatened and endangered species consultation process and compliance with the Interagency Wetland Policy Act. The sign-off is valid for three years from the date of the AAR or from the date of resource issue resolution, if other resources are involved.

B. IDNR does not accept the conclusions/proposals contained in IDOT's BRR and makes recommendations on how impacts might be avoided or further minimized. Both agencies have 45 days to resolve any differences that may remain upon which time IDNR shall provide IDOT a sign-off indicating compliance with both State Acts. If resolution is not reached within the 45-day period, the process ends and is classified as having failed or partially failed to protect the resource involved; a decision is made to elevate the issue(s) within each agency; or, upon mutual agreement by both parties, negotiations may continue.

4. Follow-up Coordination and Reporting

IDOT shall implement the project and mitigation as agreed. Any reports required by the Agreement shall be submitted to the IDNR Transportation Program Manager for review and coordination with other appropriate IDNR staff.

IDOT shall monitor wetland mitigation project(s) as agreed or required by the wetland compensation plan and shall submit reports to the IDNR as indicated in the plan.

IDNR may request a list from IDOT, partial or complete, of the projects in the preceding calendar year that were not submitted for IDNR review.

If, during development of a project, new information is obtained or the scope of the project changes to the extent the IDNR would have been involved initially, IDOT shall contact the IDNR Transportation Program Manager to discuss the need for further

coordination. Also, if IDNR is concerned with a resource issue not reflected in Figure 22-5A or if new information becomes available after the project review has been completed, IDNR may request that IDOT submit the project for review.

On projects subject to coordination with IDNR pursuant to the IDOT-IDNR agreement, Districts must carefully monitor the progress of the project in relation to the timeframe for the validity of the original IDNR signature on the AAR (for pre-screening) or the IDNR response on resource issue resolution (if resource issues are involved). A valid IDNR response must be in place at key points in the project development and implementation process as described below.

For projects processed as Categorical Exclusions (CEs), a valid IDNR response on pre-screening against the Natural Heritage Database and, as applicable, on final resource issue resolution must be in place when the project is submitted for CE approval and when the project is advertised for bid letting.*

For projects processed with an EA/FONSI, a valid IDNR response on pre-screening against the Natural Heritage Database and, as applicable, on final resource issue resolution must be in place when the EA is made available for public inspection and when the project is advertised for bid letting.*

For projects processed with an EIS, a valid IDNR response on pre-screening against the Natural Heritage Database and, as applicable, on final resource issue resolution must be in place when the Draft EIS is circulated, when the Final EIS is circulated, and when the project is advertised for bid letting.*

When it becomes necessary to resubmit a project to IDNR to provide a valid response at the aforementioned processing points, the district should accomplish the submittal by sending a copy of the original AAR to the IDNR Transportation Program Manager with a request for renewal of the IDNR response.

* *For adverse wetland impacts that are subject to coordination with IDNR as "Standard Review Actions" under the IDOT Wetlands Action Plan, IDNR approval of a conceptual wetland compensation plan will qualify as the "resource issue resolution" response on the wetlands aspect for purposes of the project environmental documentation. IDNR approval of a detailed wetland compensation plan will be required for "final resource issue resolution" prior to advertising "Standard Review Actions" for letting.*

For impacts to State-listed endangered or threatened species, the Biological Opinion provided by IDNR in response to a Detailed Action Report will be the "resource issue resolution" response on the endangered species aspect for purposes of the project environmental documentation. If the project will involve an incidental taking of a State-listed species, an incidental taking authorization from IDNR will be required for "final resource issue resolution" prior to awarding the project.

22-6 GUIDANCE ON SPECIAL TOPICS

22-6.01 Purpose and Need

References: 40 CFR 1502.13 *Purpose and Need*
Paragraph II.B of FHWA Technical Advisory T6640.8A *Purpose and Need for EA's*
Paragraph V.D. of FHWA Technical Advisory T6640.8A *Purpose and Need for EIS's*

This discussion provides guidance for the "Purpose and Need" section of environmental documents. This guidance was prepared by the Federal Highway Administration's Washington Office of Environmental Policy and issued on September 18, 1990. It has been edited to be consistent with the format of the *BDE Manual*. The guidance emphasizes the importance of the "Purpose and Need" discussion in establishing a sound basis for evaluating alternatives and environmental impacts. The district should carefully consider this guidance when preparing environmental documents for highway projects.

Although the FHWA guidance is within the context of an EIS, the information also applies to an EA as appropriate for the project.

22-6.01(a) Introduction

The Purpose and Need section is in many ways the most important chapter of an environmental impact statement (EIS). It establishes why the agency is proposing to spend large amounts of taxpayers' money while at the same time precipitating significant environmental impacts. A clear, well-justified Purpose and Need section explains to the public and decision makers that the expenditure of funds is necessary and worthwhile and that the priority the project is receiving relative to other needed highway projects is warranted. In addition, although significant environmental impacts are expected to result from the project, the Purpose and Need section should justify why impacts are acceptable based on the project's importance.

As importantly, the project purpose and need drives the process for consideration of alternatives, in-depth analyses, and ultimate selection. The *Council on Environmental Quality (CEQ) Regulations* require that the EIS address the "no-action" alternative and "rigorously explore and objectively evaluate all reasonable alternatives." Furthermore, a well-justified purpose and need is vital to meeting the requirements of Section 4(f) (49 USC 303) and the Executive Orders on Wetlands (E.O. 11990) and Floodplains (E.O. 11988) and the Section 404(b) (1) Guidelines. Without a well-defined, well-established, and well-justified purpose and need, it will be difficult to determine which alternatives are reasonable, prudent, and practical, and it may be impossible to dismiss the no-action alternative.

The transportation planning process, which includes regional, subarea, and corridor planning, can serve as the primary source of information for establishing purpose and need as well as

evaluating alternatives. Information and forecasts of vehicular miles of travel, travel demand, highway and travel speeds, traffic diversion, time of day characteristics, and traffic accident rates can be provided by the planning process. This information can be used to evaluate congestion, air quality, safety, and other environmental issues for various transportation alternatives including the no-action alternative. Planning can also estimate the benefits and costs associated with highway and transit projects that can be used in the development of project "Purpose and Need."

22-6.01(b) Consideration of Alternatives

In urbanized areas, the urban transportation planning process required by Section 134 of Title 23 should result in plans and programs that are consistent with the comprehensively planned development of an area and that integrate transportation, land use, and environmental considerations. Comprehensive planning, which includes transportation, should establish the basic purpose and need for specific projects and the system-wide consequences of operational improvements and the no-action alternative. For example, the planning process should identify the need for a transportation improvement between points "x" and "y" at some future date. Further, in a high percentage of cases, a decision on the appropriate mode (highway or transit) and the basic project concept (freeway on new location, upgrade of existing facility, light rail transit, bus/high occupancy vehicle lanes, approximate travel demand, etc.) can be determined. In other cases, it may not be possible to resolve these issues until the conclusion of the project development process. Scoping meetings early in the environmental process are an excellent means to reach agreement with the participants on the basic purpose and need for the project, the consequences of the no-action alternative, operational improvements and, where possible, the mode and project concept.

After the basic purpose and need for the project are established, a number of lines can theoretically still be drawn to connect points "x" and "y." If the project's purpose and need are so vague as to only stipulate that a transportation improvement between "x" and "y" is needed, then reasonable alternatives would cover a wide range and must be evaluated to comply with the *CEQ Regulations*. As the project's purpose and need are refined, a number of alternatives will drop out, thereby permitting a more focused analysis of those alternatives which truly address the problem to be solved. As alternatives are eliminated from consideration, it is recommended that the concurrence of those cooperating agencies with jurisdiction by law be sought in that decision.

Similarly, the type of improvement to be considered, even after the planning process, may be wide ranging — from upgrading an existing facility to a multilane freeway on new location. The traffic demands, safety concerns, system continuity considerations, etc., will help define reasonable alternatives, and products from the transportation planning process should serve as a primary source for this information.

Beyond the *CEQ Regulations'* requirement of evaluating all alternatives (or a reasonable number representative of the full spectrum of reasonable alternatives), there are other more action-limiting requirements for alternatives under Section 4(f), the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. To address these requirements and

conclusively demonstrate that some alternatives are not prudent or practical, a well-justified purpose and need are vital.

The use of land from a Section 4(f) protected property (significant publicly owned public park, recreational area, or wildlife and waterfowl refuge, or any significant historic site) may not be approved unless a determination is made that there is no feasible and prudent alternative to such use. There are numerous factors which could render an alternative “not prudent” because of unique problems, including cost and environmental impacts. If an alternative does not meet the project's purpose or satisfy the needs, then the alternative is not prudent provided the Purpose and Need section can substantiate that unique problems will result by not building the project.

If a proposed action is to be located in a wetland or if it entails a flood plain encroachment with significant impacts, a finding must be made that there is no practicable alternative to the wetland taking or floodplain encroachment. Any alternative which does not meet the need for the project is not practicable. If the project's purpose and need are not adequately addressed, specifically delineated, and properly justified, resource agencies, interest groups, the public, or others will be able to generate one or possibly several alternatives which avoid or limit the impact and “appear” practicable. Sometimes long, protracted negotiations or additional analyses are needed to demonstrate that an alternative is not practicable, whereas a well-described justification of the project's purpose and need would have clearly established that finding.

If an alternative does not satisfy the purpose and need for the project, as a rule, it should not be included in the analysis as an apparent reasonable alternative. There are times when an alternative that is not reasonable is included based on the request of another agency or due to public expectation. In such cases, it should be clearly explained why the alternative is not reasonable (or prudent or practicable), why it is being analyzed in detail and, that because it is not reasonable, it will not be selected.

22-6.01(c) Basic Ingredients of Purpose and Need

The purpose and need should be as comprehensive and specific as possible. For example, rather than simply stating that additional capacity is needed between two points, information on the adequacy of current facilities to handle the present and projected traffic (e.g., what capacity is needed and the level of service for the existing and proposed facilities) should be discussed. Other information on factors such as safety, system linkage, social demands, economic development, and modal interrelationships, etc., that the proposed project will attempt to address, should be described as fully as possible. This will assist in pinpointing and refining the alternatives which should be analyzed. Further, it will in a sense “protect” those viable alternatives from sniping by external interests and capricious suggestions to study something else. If the purpose of and need for the proposed project are rigorously defined, the number of “solutions” which will satisfy the conditions can be more readily identified and narrowly limited.

The Purpose and Need section of the project may, and probably should, evolve as information is developed and more is learned about the project and the corridor. For example, assume that the

only known information regarding purpose and need is that additional capacity is needed between points “x” and “y.” At the outset, it may appear that commuter traffic to a downtown area is the problem, and only this traffic needs to be served. A wide range of alternatives may meet this need. As the studies progress, it may be learned that a shopping center, university, major suburban employer, and other traffic generators contribute substantially to the problem and require transportation service. In this case, the need is further refined so that not only commuter trips but also student, shopping, and other trips will be accommodated. These refinements would clearly reduce and limit the number of alternatives which could satisfy the project's purpose and need, thereby reducing the number and range of reasonable, prudent, and practical alternatives. If an alternative is suggested that does not serve the university or other traffic generator, and such service is a vital element of the project, the alternative may be eliminated from future study since it does not meet the need for the project.

In the example above, it should be noted that products of the urban transportation planning process should identify many of the elements which contribute to the transportation problems. To the extent that the planning process develops these products and these products are utilized in project development, it may not be necessary to prepare additional studies.

Some of the elements which may assist in explaining a project's purpose and need (e.g., capacity, safety, system linkage, etc.), are described on page 14 of FHWA Technical Advisory T6640.8A “Guidance for Preparing and Processing Environmental and Section 4(f) Documents.” (See Appendix A of Part III of the *BDE Manual*.) This discussion is included here as additional information. All of the elements which are relevant should be as fully developed as possible and utilize as specific data as possible to compare the present, future no-action, and future build conditions. Data should be presented on such factors as reduction in vehicular hours of travel; improvements in travel speeds on the system; reduction in traffic accidents; injuries and fatalities; savings in cost to the traveling public; enhanced economic development potential; increased tax base; improved access to public facilities; etc. It is not sufficient to state that the project is needed to provide increased capacity and improve safety. Supporting data must be provided.

22-6.01(d) Using Purpose and Need in Decision Making

As noted above, the purpose and need define what can be considered reasonable, prudent, and practical alternatives. The decision-making process should first consider those alternatives which meet the purpose and need for the project at an acceptable cost and level of environmental impact relative to the benefits which will be derived from the project.

At times, it is possible that no alternative meets all aspects of the project's purpose and need. In such a case, it must be determined if the alternatives are acceptable and worth pursuing considering the cost, environmental impact and less than optimal transportation solution. To properly assess this, it is important to determine the elements of the purpose and need which are critical to the project, as opposed to those which may be desirable or simply support it. The critical elements are those which, if not met at least to some minimal level, would lead to a “no-

action" decision. Determining critical needs could include policy decisions as well as technical considerations.

Other times, the cost or level of environmental impact are not acceptable and an alternative that only partially meets the purpose and need or the no-action alternative must be considered. If the costs are justified relative to the transportation benefits, then a less than full-build alternative may be acceptable.

In the vast majority of cases, however, at least one alternative will fully meet the purpose and need at an acceptable cost and level of impact. In cases where more than one alternative fully meets the purpose and need, a number of factors including cost, traffic service, safety, public support, environmental impact, etc., will be considerations in reaching the decision on which is the preferred alternative. The requirements of Section 4(f), the Wetland and Floodplain Executive Orders, and the Section 404(b)(1) guidelines, of course, play an important role in this process.

22-6.01(e) Key Points to Remember

In summary, the Purpose and Need section in an environmental document presents why the proposed action, with its inherent costs and environmental impacts, is being pursued. If properly described, it also limits the range of alternatives which may be considered reasonable, prudent, and practicable in compliance with the *CEQ Regulations*, Section 4(f), the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. Further, it demonstrates the problems that will result if the project is not implemented.

There are three key points to remember on the Purpose and Need section of environmental documents. The section should be:

1. a justification of why the improvement must be implemented,
2. as comprehensive and specific as possible, and
3. re-examined and updated as appropriate throughout the project development process.

22-6.01(f) Additional Information

Reference: Paragraph V.D. of FHWA Technical Advisory T6640.8A *Purpose of and Need for Action*

The cited reference provides additional information which applies to defining the purpose and need for the proposed action.

22-6.02 Indirect and Cumulative Environmental Impacts

References: 40 CFR 1502.16(b) *Discussion within Environment Consequences Section*
40 CFR 1508.7 *Definition of Cumulative Impact*
40 CFR 1508.8 *Definition of Direct and Indirect Effects*
Question 18. of CEQ Q&A *Uncertainties on Indirect Effects*

22-6.02(a) Background

Indirect and cumulative environmental impacts will be considered and addressed as a normal component of environmental analyses for highway projects. The primary focus of the IDOT approach will be to ensure that the Department is conducting a good-faith effort to identify and disclose potential indirect and cumulative impacts that may occur. This will be demonstrated if the environmental document discloses all information of which the Department could reasonably have been expected to have knowledge.

22-6.02(b) Applicability

The procedures in this section are applicable to the following types of State highway projects:

- constructing highways on new alignment,
- adding lanes to an existing highway, and
- constructing a new interchange on an existing freeway or adding ramps to an existing interchange which will increase access to an area.

22-6.02(c) Definitions

The following definitions apply:

1. Reasonably Foreseeable. Deemed likely to occur in the future based on the best available planning information for the project area (such as formal planning documents, information from community officials, or local land-use/zoning/permitting processes). The term is not intended to imply that district project development personnel or local officials are expected or encouraged to speculate on anticipated development in lieu of or beyond the scope of formal planning processes. To the extent that community officials are willing to provide their views on anticipated development in their locale, the information should be summarized in the project environmental document and appropriately analyzed and discussed according to these procedures. The sources of the information also should be cited in the environmental document.

2. Indirect Impacts. Those environmental impacts, such as conversion of agricultural land or habitat, that will result from reasonably foreseeable non-highway actions (e.g., land-use changes such as residential or business development) which will accompany or occur after completion of a highway project and which are assumed to be induced by the highway project. For these procedures, "secondary" impacts should be interpreted as equivalent to "indirect" impacts.

3. Cumulative Impacts. The total impacts on specific environmental resources anticipated to result from the proposed highway project and other highway and non-highway development in the project area. In determining cumulative impacts, the district should consider both development which the project will induce and development which is unrelated to the project but which will affect the same resources.

22-6.02(d) Identifying and Disclosing Reasonably Foreseeable Indirect and Cumulative Environmental Impacts

In the early planning phase of project development, districts should contact local community officials and planning and zoning authorities to determine the existence of land-use plans, planning information, and permitting processes that will identify anticipated development in the project area. These contacts also should explore the extent to which the development has been determined to be, or is perceived to be, related to or induced by the highway project. Districts should advise local officials that the information they provide will be incorporated in the project environmental documentation as part of the discussion of indirect and cumulative impacts. Where development has preceded the proposed highway project, the district should nonetheless evaluate whether planning information for the area indicates the highway may prompt further development. The influence of the development in "inducing" the highway project should be reflected in the discussion of the improvement's purpose and need.

The spatial extent of analysis for potential indirect and cumulative impacts generally should correspond to the area over which the highway project is anticipated to affect traffic patterns and volumes based on traffic forecasts for the highway system with and without the improvement. The temporal extent of such analyses should correspond to the time frame reflected in current planning documents for the area or, in their absence, the time frame for which local officials will project planning information. The following provides specific direction on how indirect and cumulative impacts should be addressed for different levels and types of planning information available for the project area:

1. No Formal Planning Process Nor Current Planning Document for Project Area. If there is no local or regional planning process for the project area or if there is such a process but no current planning document, the district should contact community officials to determine if they will provide information regarding anticipated development in the project area. If local officials do not provide such information, disclose in the coordination section of the environmental document that there is no formal local planning process nor current planning document, as appropriate, and that contacts with local officials did not elicit

information on anticipated development for the project area. The district should evaluate whether the current approved highway program includes any other current or anticipated improvements which could result in cumulative impacts when combined with the project under development. Any such cumulative impacts should be discussed in the environmental consequences section of the environmental document. Indirect and cumulative impacts need not be discussed further except to respond to comments or concerns of review agencies and the public.

If local officials do provide information regarding anticipated development in the project area, summarize the information in the coordination section of the environmental document. Also note the source of the information and that there is no formal planning process nor current planning document available for the area. Analyze the information to identify development which the highway project could induce (i.e., for which the highway project would be a necessary condition) or which would involve cumulative impacts on resources which the highway project would affect. Discuss the anticipated indirect and cumulative impacts of the development in the environmental consequences section of the environmental document and any cumulative impacts that would result from other highway projects indicated in the current approved IDOT highway program.

2. Current Planning Document in Place for Project Area. If there is a current planning document in place for the project area, disclose the existence of the document in the coordination section of the project environmental document. Analyze the information to identify development which the highway project could induce (i.e., for which the highway project would be a necessary condition) or which would involve cumulative impacts on resources which the highway project would affect. Discuss the anticipated indirect and cumulative impacts of the development in the environmental consequences section of the environmental document and any cumulative impacts that would result from other highway projects indicated in the current approved IDOT highway program.

   If the district determines that the information in the current planning document is not consistent with actual land-use decisions in the area, this finding should be disclosed in the coordination section of the environmental document. The district should consider and discuss in the environmental consequences section potential indirect and cumulative impacts relative to the development projected in the planning document and relative to the patterns of development that actually are occurring.

22-6.02(e) Compatibility with Comprehensive Resource Plans

The district should confirm whether comprehensive resource plans (e.g., watershed or basin plans) have been prepared for the project area. Where such plans exist, the district should determine and disclose in the environmental document the compatibility of the reasonably foreseeable indirect and cumulative impacts relating to the project with the basic assumptions and objectives of the resource plan(s).

22-6.02(f) Mitigation

The district must disclose indirect and cumulative environmental impacts in the environmental documents for highway projects subject to these procedures. However, the document must not necessarily include a discussion of mitigation for indirect or cumulative non-highway impacts. The document should include information describing any mitigation proposed for the direct impacts of the highway project. In addition, when the district has knowledge of mitigation proposals or commitments by others (e.g., developers or resource agencies) relating to indirect or cumulative impacts associated with a proposed highway project, the environmental document for the highway project should disclose this information.

The district also should confirm and disclose in the environmental document whether local governments with jurisdiction in the project area have ordinances in place for protection of environmental resources, particularly those affected by the anticipated indirect and cumulative impacts associated with the project.

22-6.02(g) Format for Documentation in Environmental Reports

There is no prescribed format for discussing indirect and cumulative impacts in project environmental documents. These impacts may be incorporated, as appropriate, in the discussion of each environmental resource issue area or consolidated in a separate "indirect and cumulative impacts" topic in the environmental consequences section. BDE recommends use of the first option in most cases. It allows reviewers to more conveniently identify the total anticipated impacts for each environmental issue area, which may be desirable for review agencies interested in selected areas. The second option may be preferred where concerns have been expressed regarding indirect and cumulative impacts. In these instances, it may be helpful to consolidate the discussion of indirect and cumulative impacts in a separate section to clearly demonstrate that they have been addressed.

22-6.03 CERCLIS

References: Section 23-2.02(l) *Special Waste & CE's*
Section 24-3.07(l) *Special Waste & EA's*
Section 25-3.09(l) *Special Waste & EIS's*
Chapter 28 *Environmental Permits/Certifications*

Through an arrangement with the Illinois Environmental Protection Agency (IEPA), BDE receives regular updates of the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) site listing for Illinois. This listing, which is maintained by the US Environmental Protection Agency (EPA), is an inventory of sites that reportedly have accepted hazardous substances or that have a record of accidental spillage or illegal dumping. Although CERCLIS provides the most complete available list of potential problem sites, it does not include specific information on the types of contaminants involved at these sites. Further, the CERCLIS

list may indicate the business address of a company that reportedly owns a potential problem site. That address may not be the actual location for the waste activity.

Copies of the CERCLIS list updates are provided to all district offices. The following discussion provides guidance on the appropriate use and documentation of the information in this list in project development. These procedures are applicable to all State highway projects involving acquisition of new right-of-way or easements.

As early as practical in project planning, the district office shall review the latest CERCLIS listing for sites that may be involved with the proposed action. If the listing includes a legal description of the location of a site, this information should be carefully reviewed in evaluating whether the site may be affected by a proposed project. If additional information is needed (e.g., to better determine the location and/or extent of a listed site), the district office should advise BDE.

If no listed sites are in proximity to the project, the following paragraph should be included in the project file and/or Phase I Engineering Report or environmental report:

> *The USEPA listing of potential, suspected, and known hazardous waste or hazardous substance sites in Illinois (i.e., the Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) list) has been reviewed to ascertain whether the proposed project will involve any listed site(s). As a result of this review, it has been determined that the proposed undertaking will not require any right-of-way or easement from any site included in the CERCLIS listing as of (date of most recent CERCLIS listing provided to district office)*.

This paragraph should also be used where a listed site (or sites) may be in proximity to the proposed project but it is determined that the limits of the site(s) clearly indicate no property interest from these site(s) will be required. The locations of these sites relative to the project should be shown on a map or other exhibit in the Phase I Engineering Report or environmental report.

Prior to acquiring a property interest in a potential hazardous waste or hazardous substance site (whether included on the CERCLIS list or otherwise made known to the district office), the district office should consider the possible risks and liabilities that may be involved. The district office may want to consider options for avoiding the site entirely or may wish to pursue further assessment of the site's hazardous waste or hazardous substance problem potential. Such an assessment might include further documentary research; interviews with area residents and with current and previous owners of the property; on-site inspection; and/or testing of the site for type and extent of contamination.

Information concerning any listed hazardous waste or hazardous substance site(s) which will involve the project should be summarized in the Phase I Engineering Report or environmental report, including:

- the results of site assessment activities and preliminary site investigations when necessary,
- the results of coordination with IEPA concerning the site(s),
- the effect of the site(s) on the consideration of and/or selection of project alternatives, and
- plans for remediating the site(s) where such actions must be undertaken in association with the project.

22-6.04 Logical Termini

References: 23 CFR 771.111(f) *Logical Termini, Independent Utility, Effect on Other Projects*
Section 22-3.06 *Proposed Action*

This discussion provides guidance in determining logical project termini for proposed actions. This guidance was prepared by the Federal Highway Administration's Office of Environment and Planning and issued on November 5, 1993. It has been edited to be consistent with the format of the *BDE Manual*. This guidance provides several working examples to illustrate the factors involved in choosing termini. These factors are then applied to issues such as project purpose and need, environmental impacts, and avoidance of segmentation.

22-6.04(a) Introduction

In developing a project concept which can be advanced through the stages of planning, environment, design, and construction, the project sponsor must consider a "whole" or integrated project. This project should satisfy an identified need, such as safety, rehabilitation, economic development, or capacity improvements, and should be considered in the context of the local area socioeconomics and topography, the future travel demand, and other infrastructure improvements in the area. Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action. A problem of "segmentation" may also occur where a transportation need extends throughout an entire corridor, but environmental issues and transportation need are inappropriately discussed for only a segment of the corridor.

The Federal Highway Administration (FHWA) regulations outline three general principles in 23 CFR 771.111(f) that are used to frame a highway project:

> *In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each Environmental Impact Statement (EIS) or finding of no significant impact (FONSI) shall:*

(1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;

(2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and

(3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

The aim of this guidance is to discuss criteria that can be used to select logical termini (project limits) for development of a project. The primary discussion will be on the first of the three factors mentioned above. However, all three are interrelated and necessary to the development of an integrated project.

The remainder of this guidance is divided into three sections. Section 22-6.04(b) will further define logical termini. Section 22-6.04(c) will discuss several case studies covering factors that are relevant in choosing termini, and Section 22-6.04(d) will offer some conclusions.

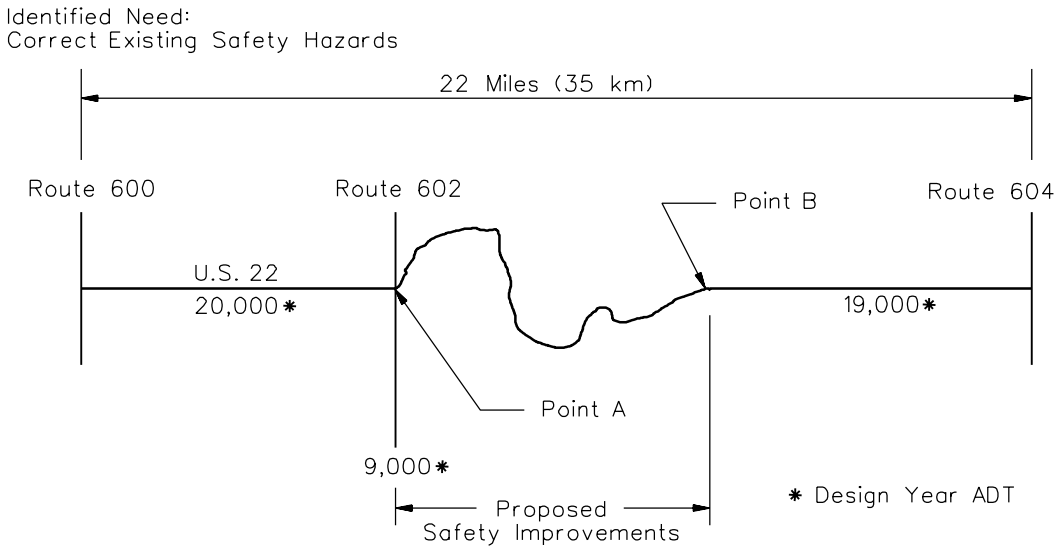
22-6.04(b) A Definition of Logical Termini

Logical termini for project development are defined as (1) rational end points for a transportation improvement, and (2) rational end points for a review of the environmental impacts. The environmental impact review frequently covers a broader geographic area than the strict limits of the transportation improvements. In the past, the most common termini have been points of major traffic generation, especially intersecting roadways. This is due to the fact that in most cases traffic generators determine the size and type of facility being proposed. However, there are also cases where the project improvement is not primarily related to congestion due to traffic generators, and the choice of termini based on these generators may not be appropriate. The next section will show some examples where this is the case.

Choosing a corridor of sufficient length to look at all impacts need not preclude staged construction. Therefore, related improvements within a transportation facility should be evaluated as one project, rather than selecting termini based on what is programmed as short range improvements. Construction may then be “staged” or programmed for shorter sections or discrete construction elements as funding permits.

22-6.04(c) Sample Project Concepts and Discussion

Case #1



CASE #1

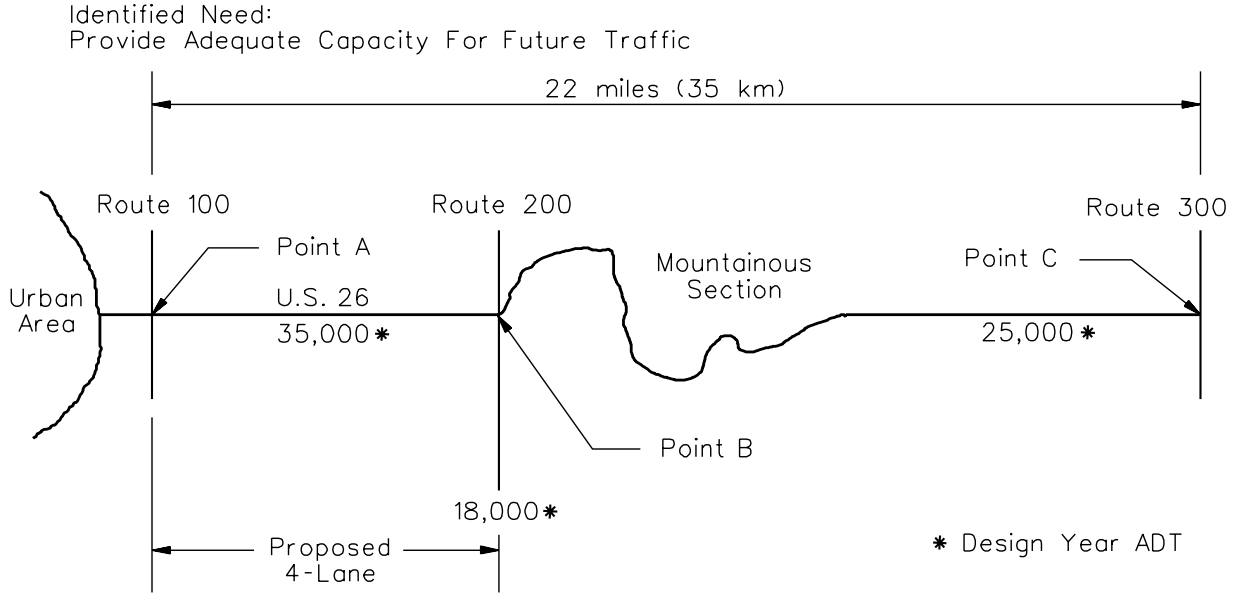
Figure 22-6A

U.S. 22 is a rural two-lane facility without access control. A number of high-accident locations have been identified, and the need for the project is to correct site-specific geometric deficiencies between Point A (Route 602) and Point B (no intersecting roadway).

Discussion: In this Case, the selection of A and B as termini is reasonable, given the scope of the project. In fact, for projects involving safety improvements, almost any termini (e.g., political jurisdictions, geographical features) can be chosen to correspond to those sections where safety improvements are most needed. The first criterion, that the project connect logical termini and be of sufficient length to address matters on a broad scope, is largely irrelevant due to the limited scope of most safety improvements. Furthermore, even if other safety improvements are needed beyond those in segment A-B, the project termini need not be expanded to include these other improvements. The other two criteria still need to be met to choose A and B as termini: The safety improvements have independent utility (i.e., they can function as stand-alone improvements without forcing other improvements which may have impacts), and these

improvements do not restrict consideration of other reasonably foreseeable transportation improvements (such as major safety improvements in an adjoining section; e.g., Point B to Route 604, which could involve changes in alignment of the segment currently under review). Also, all environmental requirements must still be met. For instance, straightening of a curve through park land cannot take place without completing the necessary Section 4(f) analysis.

Case #2

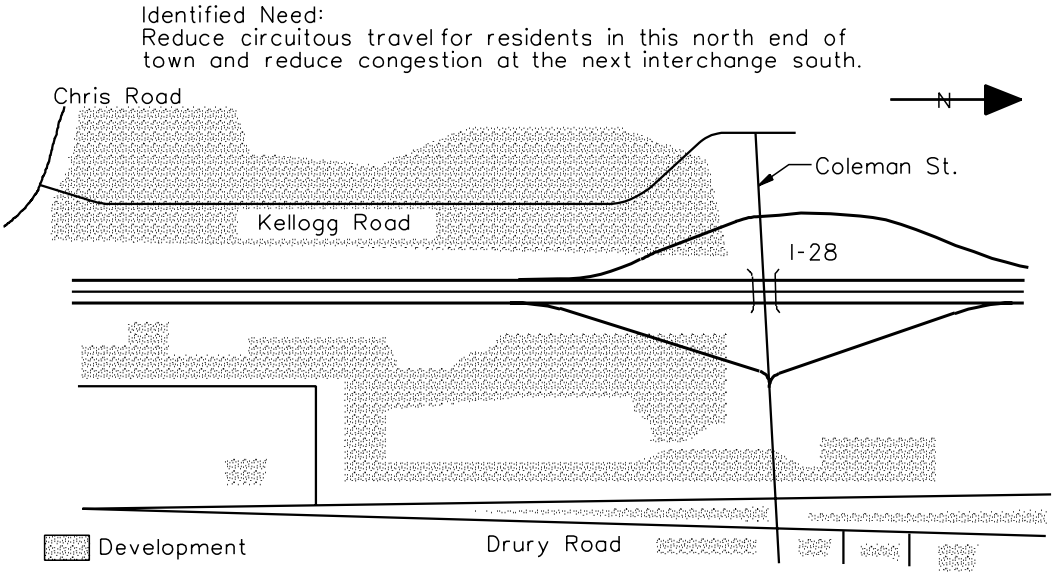


CASE #2
Figure 22-6B

U.S. 26 is on the eastern fringe of a rapidly growing urban area. Over the next 20 years, traffic growth and congestion are predicted for the section of roadway closest to the urban area, between Route 100 and Route 200. Because U.S. 26 also serves as a through facility to points east, congestion will increase on the other sections also. It is proposed to deal with the worst of the congestion problems by widening the road to four lanes between Point A (Route 100) and Point B (Route 200).

Discussion: Widening between Point A and Point B could be implemented as a reasonable project with a logical termini, but several conditions would have to be met.

Case #3



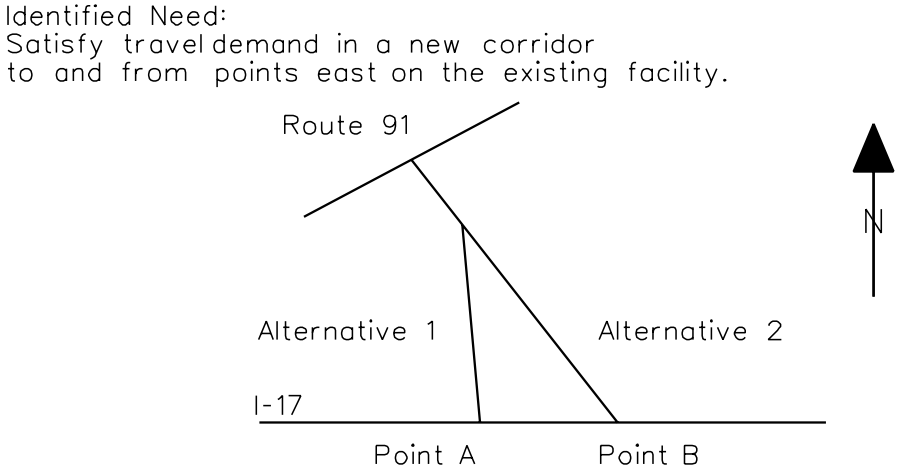
CASE #3
Figure 22-6C

The proposed project is a new interchange with I-28 at the north edge of a growing urban area with options to upgrade an existing north-south feeder/collector route, Kellogg Road, on a new location. The next interchange south is at capacity now due to 1) new housing in the north end of town, and 2) a rapidly expanding commercial area at the existing interchange. The identified purposes of this project are to reduce circuitous travel for north end residents and to reduce congestion at the next interchange south.

Discussion: At first glance, the logical termini for analysis are the points where the new interchange ties in with existing facilities (Kellogg Road and Drury Road). Would this action force other project improvements? In this example, Kellogg Road and Drury Road may be overloaded by interchange traffic. If this is considered now, there may be design options to address this without substantial change or disruption. If this is dealt with later, the options may be more limited. If the only remaining option in the future is to widen Kellogg Road and Drury Road, there may be considerable disruption, relocations, etc., which could possibly have been avoided. For this particular project, the eastern project terminus was the intersection of Coleman Street and Drury Road, because there was adequate capacity on Drury road to absorb the traffic and no additional improvements would be forced. The western project terminus was further away from the intersection, because Kellogg Road did not have sufficient capacity to accommodate the traffic from the interchange. The terminus in this case was where Kellogg Road intersected with Chris Road. It was demonstrated that Chris Road had the capacity to handle the additional traffic and that no additional improvements would be forced. Options for upgrading Kellogg Road included widening of the existing Kellogg Road or a north-south feeder road on new alignment. Even if the project sponsor had decided not to upgrade Kellogg Road, the environmental document should

have covered the environmental impacts resulting from the congestion of this route (e.g., community disruption, possible air quality violations).

Case #4



CASE #4
Figure 22-6D

This proposed facility is on new alignment, connecting Route 91 with I-17. Alternative 1 is shorter, connecting to I-17 at Point A, and Alternative 2 would tie in further east, at Point B. The primary travel on this new facility is to and from points east on I-17. I-17 is four lanes west of Point B and six lanes east of Point B. Alternative 2 has been designated as the preferred option by the project sponsor. Alternative 1 was proposed by a citizen's group to reduce the number of relocations and community disruption. Cost estimates are $50 million for Alternative 1 (to tie in at Point A) and $63 million for Alternative 2 (to tie in at Point B).

Discussion: It is likely that an incomplete picture of the costs and impacts of Alternative 1 is being provided by only carrying the analysis as far as Point A. For both alternatives, consideration of impacts should continue to Point B or east of B if there are likely to be any weaving or merging problems which will force changes in the facility beyond B. In this example, the four-lane section between A and B, if overloaded by Alternative 1, would force further improvements on I-17 which would likely have additional impacts.

Failure to take this into account would underestimate the cost and overall impacts of Alternative 1 and skew decision making. As a result of these factors, if Alternative 1 is considered a

reasonable alternative, the discussion of impacts should extend to impacts occurring at Point B. If I-17 will be able to accommodate the increased traffic from Alternative 1 without widening, then the discussion could simply be a demonstration of that fact.

22-6.04(d) Conclusions

The aim of this guidance has not been to present all possible ways of determining logical project termini but, rather, to present a thought process that can be used to make these determinations on a case-by-case basis. For the vast majority of highway projects, the choice of logical termini will be obvious and non-controversial. For those few major projects where other considerations are important, the termini chosen must be such that:

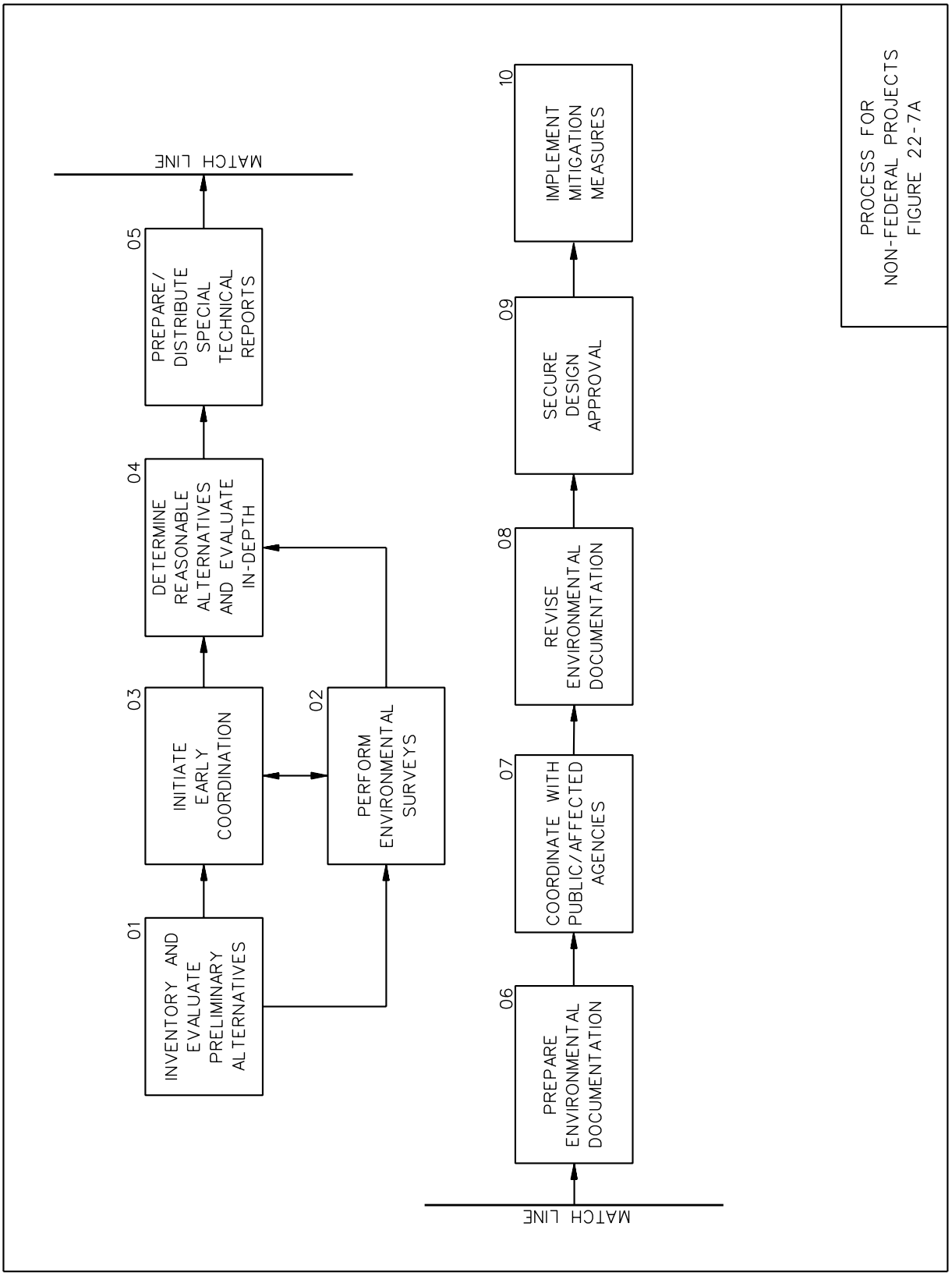
- environmental issues can be treated on a sufficiently broad scope to ensure that the project will function properly without requiring additional improvements elsewhere, and

- the project will not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

By following this guidance, proposed highway projects will be more defensible against litigation claims of project segmentation, and decision makers and the public will have a clearer picture of the transportation requirements in the project area and a better understanding of the project purpose and need.

22-7 ENVIRONMENTAL PROCESS FOR NON-FEDERAL PROJECTS

The process for addressing environmental issues on non-Federal projects will depend upon whether the projects qualify as Categorical Exclusions (CE's) as described in Chapter 23. Non-Federal actions that qualify as CE's will follow the environmental process as described in Section 23-3, except that FHWA will not be involved. For non-Federal actions that do not qualify as CE's, the environmental process described in this section will apply, as presented in Figure 22-7A. This is followed by a brief description of each activity within the network.


PROCESS FOR
NON-FEDERAL PROJECTS
FIGURE 22-7A
01
INVENTORY AND EVALUATE PRELIMINARY ALTERNATIVES
02
PERFORM ENVIRONMENTAL SURVEYS
03
INITIATE EARLY COORDINATION
04
DETERMINE REASONABLE ALTERNATIVES AND EVALUATE IN-DEPTH
05
PREPARE/ DISTRIBUTE SPECIAL TECHNICAL REPORTS
MATCH LINE
MATCH LINE
06
PREPARE ENVIRONMENTAL DOCUMENTATION
07
COORDINATE WITH PUBLIC/AFFECTED AGENCIES
08
REVISE ENVIRONMENTAL DOCUMENTATION
09
SECURE DESIGN APPROVAL
10
IMPLEMENT MITIGATION MEASURES

Environmental Process for Non-Federal Projects

Activity Title: Inventory and Evaluate Preliminary Alternatives

Activity No.: 01

Responsible Unit: District Office/BDE

Activity Description:

After the district office determines the preliminary project purpose and need, it will initiate activities to inventory and evaluate the affected environment and to develop and evaluate preliminary project alternatives. The compilation of environmental inventories should be pursued only to the extent necessary to provide high-quality information on the environmental impacts of the proposed action and to facilitate decision making. By limiting inventory work to an optimum level, the amassing of needless detail can be avoided, thus reducing paperwork.

The district should identify the range of the environmental inventory by evaluating environmental databases and submitting an environmental survey request, as appropriate, to BDE. Environmental concerns involved may include:

- Section 6(f) or OSLAD properties;
- archaeological and historical properties;
- flood plains;
- sensitive noise receptors;
- prime farmland;
- wetlands;
- threatened or endangered species habitat, nature preserves, and natural areas;
- wild and scenic rivers and Class I streams;
- status of air quality attainment;
- water quality of streams or lakes;
- special waste sites;
- social/economic characteristics of the affected population;
- visual quality/aesthetics;
- well-head protection areas;
- groundwater recharge areas; and
- other biological areas.

After the inventory has been prepared, the district should perform a preliminary evaluation of the magnitude and importance of the potential environmental impacts of the alternatives under study. This will assist in initiating the early coordination process (Activity 03) and in further refining the alternatives. The evaluation of preliminary alternatives should be sensitive to those environmental resources for which analysis of alternatives for avoidance and minimization of adverse impacts is required (e.g., wetlands, flood plains, historic sites, and threatened and endangered species). In addition, districts should recognize that avoidance of environmental resources requiring special compliance procedures for impacts should be the preferred course of action. Avoidance of such resources will help to shorten project development time by avoiding the reporting and coordination necessary for compliance.

Environmental Process for Non-Federal Projects

Activity Title: Perform Environmental Surveys

Activity No.: 02

Responsible Unit: BDE

Activity Description:

Based on the environmental survey request and Special Waste Assessment Screen/Survey Request form, as appropriate, BDE will perform a record survey to assess published information and determine the need for further investigation of the following:

- wetlands,
- archaeological and historical resources,
- Federal and State threatened and endangered species or their critical/essential habitat,
- well-head protection zones and regulated recharge areas, and
- special waste sites.

As determined necessary on the basis of the records survey or special waste assessment screening process, BDE will coordinate, as appropriate, with the responsible agencies and the district office for further field surveys. BDE will provide the environmental survey information to the district as it becomes available to assist in the evaluation of project alternatives.

Reference:

- Chapter 27 *Environmental Surveys*

Environmental Process for Non-Federal Projects

Activity Title: Initiate Early Coordination

Activity No.: 03

Responsible Unit: District Office/BDE

Activity Description:

Coordination with governmental agencies and the public is an important aspect of the project development process and should begin as early as practical in project planning. This coordination facilitates obtaining information from other entities and individuals which may assist in the inventorying of the affected environment and in the evaluation of alternatives.

References:

- Section 22-5 *Coordination*
- Chapter 19 *Public Involvement Guidelines*

Environmental Process for Non-Federal Projects

Activity Title: Determine Reasonable Alternatives and Evaluate In-Depth

Activity No.: 04

Responsible Unit: District Office/BDE

Activity Description:

The district should evaluate the potential impacts of the preliminary alternatives on the inventory of environmental resource concerns and should consider the information and comments provided by other agencies and the public in determining the scope of issues of importance and, ultimately, the reasonable alternatives worthy of in-depth evaluation. The cost and level of effort for preliminary environmental evaluations of an alternative should be commensurate with its likelihood of being implemented. Collectively, the alternatives selected for in-depth study should be representative of the full range of alternatives and should gain public acceptance that no reasonable alternative has been omitted.

The district must evaluate in detail the environmental impacts of each selected reasonable alternative in accordance with the scope determined through the environmental inventory process and early coordination with other agencies and the public. The district, in cooperation with BDE, will initiate those detailed studies and associated coordination with other agencies and the public necessary to further evaluate the environmental impacts of the proposed project alternatives.

Reference:

- Section 22-5 *Coordination*
- Chapter 19 *Public Involvement Guidelines*

Environmental Process for Non-Federal Projects

Activity Title: Prepare/Distribute Special Technical Reports

Activity No.: 05

Responsible Unit: District Office/BDE

Activity Description:

For environmental concerns requiring in-depth analysis (e.g., wetlands, noise), it may be appropriate to prepare "technical reports" discussing the analyses and findings for the issues involved. BDE will determine "technical report" requirements. As appropriate to respond to requests identified during early coordination, these "technical reports" will be coordinated with agencies and other interested entities. Technical reports should be reviewed by BDE prior to making them available to other parties. The key conclusions from these reports will be summarized in the environmental documentation for the Phase I Engineering Report.

Reference:

- Chapter 26 *Special Environmental Analyses*

Environmental Process for Non-Federal Projects

Activity Title: Prepare Environmental Documentation

Activity No.: 06

Responsible Unit: District Office/BDE

Activity Description:

At this stage of project development, the district will have received input from appropriate agencies and the public, will have evaluated the selected reasonable alternatives in depth, and will have received input on any special technical reports. The environmental information resulting from these activities should be summarized in the Phase I Engineering Report as described in Section 22-2.05(b).

References:

- Chapter 26 *Special Environmental Analyses*
- Section 22-2.05 *Environmental Documentation for Non-Federal Actions*

Environmental Process for Non-Federal Projects

Activity Title: Coordinate with Public/Affected Agencies

Activity No.: 07

Responsible Unit: District Office/BDE

Activity Description:

In Activity 03, the district will have made a preliminary identification of those agencies which may have an interest in the project. The district will coordinate the information regarding the project alternatives and the evaluation of their environmental impacts with the public and appropriate agencies prior to submitting the project for design approval.

Reference:

- Chapter 19 *Public Involvement Guidelines*

Environmental Process for Non-Federal Projects

Activity Title: Revise Environmental Documentation

Activity No.: 08

Responsible Unit: District Office

Activity Description:

The district will evaluate any comments received as a result of coordinating the environmental information for the project with the public and appropriate agencies and will incorporate additional information or changes in information as necessary to respond to the comments.

Environmental Process for Non-Federal Projects

Activity Title: Secure Design Approval

Activity No.: 09

Responsible Unit: District Office

Activity Description:

The district will submit the Phase I Engineering Report, including appropriate environmental documentation, to BDE for Design Approval. BDE will review the environmental documentation and will advise the district of any changes or additional information needed prior to approval.

Environmental Process for Non-Federal Projects

Activity Title: Implement Mitigation Measures

Activity No.: 10

Responsible Unit: District Office/BDE

Activity Description:

Those involved in preparing and processing the environmental documentation for the project should assist those involved in subsequent aspects of project development and implementation in facilitating the fulfillment of any environmental commitments for the project. The district must ensure that its procedures for follow-through on commitments provide for including information on mitigation measures and other commitments (e.g., for wetlands compensation plans, erosion control plans, special provision for management and monitoring of special waste) in the project plans, as necessary, and for implementing and monitoring the measures during construction and maintenance, as appropriate.

22-8 REFERENCES

In addition to Part III and the duplicated information in Appendix A, many other references are available in the literature to assist in the preparation of environmental documents. Section 22-8 briefly discusses selected references. This list is not comprehensive and is intended only to provide an overview of selected information that may be of interest.

22-8.01 National

The following briefly discusses national publications which may provide useful resource information to the preparers of environmental documents:

1. *Aesthetics in Transportation — Guidelines for Incorporating Design, Art, and Architecture into Transportation Facilities*. Although the aesthetic design of transportation facilities is important in the open countryside, it is especially critical in urban areas. This publication contains examples of aesthetic applications in various situations.

2. *Course Manual for Teaching Major Investment Study*, FHWA. Based on the two-day course in processing Major Investment Studies, FHWA has prepared this *Manual* for that course. The *Manual* presents copies of the slides used in the course plus other references.

3. *A Design Guide for Wildlife Protection and Conservation for Transportation Facilities*, AASHTO, 1976. This publication is a guide for the consideration of wildlife and habitat impacts when transportation system facilities are being planned, designed, constructed, operated, and/or maintained.

4. *Environmental Guidebook*, FHWA. This is a collection of FHWA position papers, interpretation of regulations, and agreements with other agencies on the implementation of NEPA.

5. *Environmental Policy Statement*, 1994, FHWA. This statement provides a formal expression of the FHWA's commitment to the protection and enhancement of the environment and the incorporation of environmental stewardship in all of its programs and policies.

6. *Guide on Evaluation and Attentuation of Traffic Noise,* AASHTO, 1987. An AASHTO task force was organized in 1971 to provide a focal point and working group with environmental design expertise to provide direction and develop and promote design guides, policies, and standards in traffic noise analyses. The task force produced this *Guide*, which disseminates research information relating to traffic noise and development guidelines for the abatement of traffic-generated noise through highway design procedures and techniques.

7. *Guide for Transportation Landscape and Environmental Design,* AASHTO, 1991. The *Guide* addresses all modes of transportation and the interaction of landscape considerations with transportation improvements. It places a special emphasis on supplying technical information that will assist the planner, designer, project engineer, landscape architect, supervisor, and/or transportation manager in providing landscape features which integrate into the transportation system, producing an environmentally pleasing facility.

8. *A Guide to Wetland Functional Design*, FHWA, 1990. This document was developed as a conceptual guide to replacing wetland functions identified by WET II.

9. *Guidelines on Citizen Participation in Transportation Planning*, AASHTO, 1978. This publication focuses on the needs of agency administrators and professionals in the planning process and public participation programs in State agencies, but it is also relevant at regional and local levels for all transportation modes.

10. *Hazardous Waste Guide for Project Development*, AASHTO, 1990. This *Guide* is for those projects where it is unknown whether or not a hazardous waste potential exists. The *Guide* provides steps to determine if there is hazardous waste present and what tasks are involved if there is one present.

11. *Highway Noise Guide to Visual Quality in Noise Barrier Design*, 1976. This *Guide* introduces the basic principles of visual quality in general terms and illustrates the application of these basic principles to the design of highway noise barriers.

12. *Incorporating Biodiversity Considerations into Environmental Impact Analysis under NEPA*, CEQ, 1993. This Report is intended to provide background on the emerging, complex subject of biodiversity; outline some general concepts that underlie biological diversity analysis and management; describe how the issue is currently addressed in the NEPA process; and provide options for agencies undertaking NEPA analyses that consider biodiversity.

13. *Interim Guidelines for Hazardous Waste*, 1988, FHWA. This guidance provides an overview of the legal and policy/procedure issues important in the consideration of hazardous waste sites. It is intended to provide a framework for states to use in developing effective processes for addressing such sites in highway project development.

14. *NHI Course #14205 Manual*, FHWA Project Development and Environmental Documentation. This course teaches the FHWA approach to implementing NEPA and the preparation of Section 4(f) Statements.

15. *Policy on Land Use and Source Control Aspects of Traffic Noise Attenuation*, AASHTO, 1980. This publication presents a policy statement on the interrelated roles of highway and law enforcement agencies, local officials, etc., in reducing traffic noise.

16. *User-Friendly Guide to the Transportation Provisions of the 1990 Clean Air Act Amendments*, AASHTO, 1992. This *Guide* and its two companion reports offer a comprehensive examination of the Clean Air Act requirements that will affect transportation planning and programming activities throughout the 1990's. The *Guide* (1) provides "between-the-lines" insights into the transportation sections of the clean air statute, (2) helps agencies assess the Act's possible impact on ongoing programs, (3) improves the response of the transportation community to the Act's more challenging requirements, and (4) seeks to reduce the likelihood of future litigation.

22-8.02 State

22-8.02(a) Manuals

The Bureau of Design and Environment has published or is developing a series of environmental technical manuals which contain information on methods to use for technical investigations and analyses which support highway project environmental impact studies and documents. These manuals plus the environmental memoranda issued by BDE provide guidance on technical study methods, pertinent environmental data, and other background information. References to these manuals are important; in many cases, they refer to specific technical procedures which are required in specific circumstances. Whereas Part III stipulates what must be done where and when, the technical manuals address how.

22-8.02(b) BDE Memoranda and Policies

The Bureau of Design and Environment periodically distributes memoranda which address environmental issues. These are segregated as follows:

1. Procedure Memoranda (PM). These are the most important to the application of environmental policies and procedures. Those preparing IDOT environmental documents are expected to comply with the contents of all PM's. Current BDE PMs are contained in Part VIII of the *Bureau of Design and Environment Manual* on the IDOT LAN. They are available to outside entities via the IDOT internet site.

2. Departmental Policies. The policies in Figure 22-8A should be referenced as needed in the preparation of environmental documents.

3. Information Memoranda (IM). BDE issues IM's which provide information and guidance to the preparers of environmental documents.

4. Technical Environmental Memoranda (TEM). BDE issues TEM's which provide information and guidance relating to the methods for technical investigations and analyses described in the environmental technical manuals.

Number	Title	Date
D&E-6	Traffic Noise and Vibration Manual	March 1, 2001
D&E-7	Socio-Economic Impact Assessment Manual	March 1, 2001
D&E-8	Ecological and Natural Resources Manual	March 1, 2001
D&E-9	Air Quality Manual	March 1, 2001
D&E-10	Water Quality Manual	March 1, 2001
D&E-11	Identifying and Responding to Regulated Substances in Highway Project Development	March 1, 2001
D&E-12	Preservation of Archaeological and Other Objects of Antiquity	March 1, 2001
D&E-17	Processing Access Control Revisions for Freeways and Expressways on the State Highway System	June 1, 2001
D&E-18	Preservation and Replacement of Trees	September 6, 2002
D&E-19	Follow-Through on Project Commitments	October 1, 2002
LEN-3*	Policy on Borrow/Use Areas	August 8, 1985
LEN-11*	Contacting the Corps of Engineers for Dredging, Filling, and Other Work in Waters of the United States	August 8, 1985
LEN-12*	Coordination of Environmental Resource Surveys and Studies	August 8, 1985

**LEN Departmental Policies are being replaced with Design and Environment (D&E) Departmental Policies and are being revised, as necessary, to update their provisions. The listed LEN policies remain in effect until they are superseded by D&E policies.*

DEPARTMENTAL POLICIES

Figure 22-8A